SINS OF THE TONGUE IN THE MEDIEVAL WEST

Sinful, Unethical, and Criminal Words in Middle Dutch (1300-1550)

Martine Veldhuizen

BREPOLS

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UTRECHT STUDIES IN MEDIEVAL LITERACY

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FOR HANNAH

But no man can tame the tongue.
It is an unruly evil, full of deadly poison.

James 3: 8.

Man is human because he can say so.

P. LIEBERMAN and E.S. CRELIN, "On the speech of Neanderthal man",
Linguistic Inquiry 2 (1971), pp. 203-222.

Contents

Preface

The sins of the tongue: when I first became aware of their existence as a student, they were astounding to me. An eighth deadly sin, next to the well-known seven deadly sins, completely attributed to the spoken word, to words which could endanger earthly and eternal life. From that day on, I was fascinated by perceptions of the sins of the tongue in the late medieval west and their harmful potential in the context of Church, ethics and law.

This book about the sins of the tongue in the Medieval West is the product of my PhD research, conducted at Utrecht University. A Dutch version of this book was published by publishing house Verloren in 2014. Verloren generously gave its permission to publish this book in English at Brepols Publishers in the series *Utrecht Studies in Medieval Literacy*. Lizzie Kean translated the lion's share of the manuscript; English translations of the Middle Dutch text passages are my own. Parts of chapter 3 and 5 are published in English in earlier forms in respectively the *Journal of Dutch Literature* and the conference proceedings *The Voices of the People* (ed. V. Challet, J. Dumolyn, J. Haemers and H.R. Oliva Herrer).

Many people helped me with researching, writing and producing this book. Marco Mostert offered me the opportunity to publish it and did well-admired editorial work. Brepols Publishers, especially Guy Carney, guided the publishing process in a wonderful manner. Frits van Oostrom and Paul Wackers provided the gateway to conduct this research, guided me for years and shared their dazzling knowledge with me. My colleagues and friends where a source of help, inspiration and encouragement for me: José van Aelst, Paul Bijl, Bart Besamusca, Gerard Bouwmeester, Guy Carney, Hermien Dannenberg, Feike Dietz, Jan Dumolyn, Daniël Ermens, Christien Franken, Floor Haalboom, Jelle Haemers, Bram van den Hoven van Genderen, Marjolein Hogenbirk, Koen

Notation Method

Punctuation, capitalisation and spelling of the letters i/j/u/w/v in the quotations are all written in accordance with current standards, in order to increase legibility. Unless otherwise indicated, all Bible references are taken from the New King James Version.

Introduction

1.1 The Harmful Power of the Tongue

Words can feel like a punch in the stomach. That is not just in manner of speaking, it is a medically proven fact. MRI-scans show words leading to exactly the same physically painful effects as a punch in the stomach of the person to whom the words are directed.[1] This seems to undermine sayings such as 'actions speak louder than words' and 'sticks and stones may break my bones, but names will never hurt me'. Words are in fact sometimes actions, and names can definitely hurt. To put it a different way, words not only refer to elements from reality, they can both shape and damage such elements. In this way, something which was thought in the late Middle Ages, has now been proven. There is a Middle Dutch proverb which aptly reflects the results of the medical research into the harmful power of words:

> The tongue breaketh bone though itself hath none.[2]

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[1] M. SCHÖTTELNDREIER, "Vernederen doe je zo", *De Volkskrant* (section 'Hart en ziel'), 22 November 2008, p. 5.

[2] The proverb appears originally to come from two Biblical 'books of wisdom'. One source could be Ecclesiasticus 28: 17: "The stroke of the whip maketh marks in the flesh, but the stroke of the tongue breaks the bones" (King James Version). A variation on this proverb can be found in Proverbs 25: 15: "By long forbearing a ruler is persuaded, and a gentle tongue breaks a bone". See also D. CRESSY, *Dangerous Talk: Scandalous, Seditious and Treasonable Speech in Pre-Modern England* (Oxford, 2010), p. 5.

In other words, even though the tongue has no bones, it has the power to break them. The tongue, as a metonymy of the human capacity for speech, consists of soft tissue, bereft of any skeletal support. For this reason, it seems innocent, incapable of anything destructive. However, appearances can be deceptive. The tongue can cause great damage. The proverb is not particularly well-known, but versions of it can be found in a surprising number of Middle Dutch texts. Moreover, it makes an appearance in a variety of genres in Middle Dutch: as a rhyming aphorism, as part of a song and in a treatise on love.[3] The proverb can also be found in many other European linguistic areas.[4] These include English, German, French, Latin, Italian, Danish and Polish. The Middle Dutch language area consisted of the Netherlands and a number of provinces of present-day Belgium. 'Middle Dutch' (or 'Diets') is a label for a group of interrelated regional written and spoken dialects. Linguistic unification began only in the sixteenth century.

This study aims to show that this proverb is not an isolated saying, but part of a widely acclaimed opinion on the destructive power of the spoken word. The proverb is part of a discourse on destructive speech behaviour, referred to in this study as 'the discourse on the untamed tongue'. According to this discourse, the untamed tongue is potentially an extremely dangerous organ. It lies, curses and offends. It flatters, brags and grumbles. It can sew the seeds of hate,

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[3]   The following literary references have been found in this research: *Boethius in het Nederlands: Studie naar en tekstuitgave van de* Gentse Boethius (*1485*)*, boek II*, ed. M. GORIS (Hilversum, 2000: *Middeleeuwse Studies en Bronnen* 72), p. 354, l. 702;: *Dietsche doctrinale*, ed. W. KUIPER, in: CD-ROM *Middelnederlands: Woordenboek en teksten*, ed. Instituut voor Nederlandse Lexicologie (The Hague and Antwerp, 1998), book 1, chapter '*Van spraken ende tonghen te bedwinghene*' ('About speech and controlling the tongue'), ll. 214-217, and *Dietsche doctrinale* book 2, chapter '*Van scuwene gheselscap ende vrienscap der gherre die vele spreken ende voert segghen*' ('About avoiding company and friendship of those who talk and gossip a lot'), ll. 1659-1660; Dirc Potter, *Der minnen loep*, ed. P.WZN.LEENDERTZ, 2 vols. (Leiden, 1845-1846: *Werken uitgegeven door de Vereeniging ter Bevordering der Oude Nederlandsche Letterkunde* 1), 2, p. 145, ll. 590-592, 595-596); *Het* Boek van Sidrac *in de Nederlanden: Met tekstuitgave naar Ms. Marshall 28 der Bodleyan Library te Oxford*, ed. J.F.J. VAN TOL (Amsterdam, 1936), question 77*, p. 77; Antwerps liedboek*, No. 172, 'Een nyeu liedeken' l. 6 (*Het Antwerps liedboek*, ed. D.E. VAN DER POEL *et al.*, 2 vols. (Tielt, 2004: *Deltareeks*) 1, pp. 388-389); *Swighen brinct vele rusten in*, ed. J. VERDAM., "Kleine Middelnederlandsche overblijfselen", *Tijdschrift voor Nederlandse Taal- en Letterkunde* 11 (1892), p. 295, l. 46; and as a single aphorism in MS The Hague, Koninklijke Bibliotheek, 70 H 48, f. 63v, a manuscript which also contains the Middle Dutch text *Der sielen troest.*

[4]   For English, German, French, Latin, Italian, Danish, and Polish versions of the proverb, see: http://www.operone.de/spruch/spruchinh.html [09/05/2016]. According to CRESSY, *Dangerous Talk*, p. 5, the proverb was known in early modern England.

destroy communities, harm the soul and carry out character assassination. Notions on the destructive potential of the spoken word in the later Middle Ages are at the heart of this book. This research aims to investigate the extent to which there is an overarching discourse of destructive speech behaviour in Middle Dutch writings between 1300 and 1550. The objective is to get a better picture of the prevailing normative ethics of the spoken word at that time. There are similar references to destructive speech behaviour to be found in other European linguistic areas, indicating that the results of the research on the Middle Dutch sources could have implications for comparative international research. A number of researchers have therefore shown interest in notions on destructive speech behaviour in a late Middle Ages linguistic area. For example, there is a study on 'cursing women' and the law in literature of the late Middle Ages, and research has been done into inflammatory language in the political context of late medieval towns.[5] However, existing research concentrated mainly on texts within separate domains, for example within the ecclesiastical domain, or in the field of narrative texts.

My research is innovative in two ways, when compared to existing research into harmful speech behaviour. First, the theme has been systematically investigated in three different domains, in order to identify a discourse overarching all three. Domains are defined, for the purposes of this study, as specific areas which might be expected to contain coherent ideas about harmful speech behaviour. There is, as yet, no similar comparative study into notions on harmful speech behaviour in general. Although various researchers have earlier identified a strong awareness, in a number of genres, of the destructive power of the spoken word in writings of the late Middle Ages, this book distinguishes itself by a comparative approach, in the search for an overarching discourse. Secondly, a number of modern language theory insights will be used in the study of the Middle Dutch corpus on harmful speech behaviour. Little use was made of these insights to analyse writings from the late Middle Ages in existing research. Most researchers use the *close reading* method, or apply language theory instruments only to a limited extent. An analysis based on

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[5]   S. BARDSLEY, *Venomous Tongues: Speech and Gender in Late Medieval England* (Philadelphia, PA, 2006: *The Middle Ages Series*); J. DUMOLYN and J. HAEMERS, "'A bad chicken was brooding': Subversive speech in late medieval Flanders", *Past and Present* 214 (2012), pp. 45-86; and J. DUMOLYN and J. HAEMERS, "'A blabbermouth can barely control his tongue': Political poems, songs and prophecies in the Low Countries (fifteenth-sixteenth centuries)", in: *Spoken Word and Social Practice: Orality in Europe (1300-1700)*, ed. T. COHEN and L. TWOMEY (Leiden, 2015), pp. 280-299.

insights from this field of expertise can improve the clarity of the analysis and reveal new patterns.

This study aims to look at notions on 'harmful speech behaviour' in the late Middle Ages, as a conceptual whole, from a domain-comparative perspective. A detailed explanation of the domains follows in chapter 2. We will be looking to see whether there are parallels between the individual domains which thus form part of an overarching discourse. The notions on harmful speech behaviour will partly differ in each domain, but the existence of a certain cohesion in the notions between the domains will be investigated. We will also be looking to see if, and if so, how, similar ideas about using harmful language in varying textual expressions of culture are conveyed, and how they are incorporated in, and adapted to the various domains. The research focusses on an analysis of notions on harmful speech behaviour in three domains: the ecclesiastical, secular-ethical and judicial domains in Middle Dutch writings between 1300 and 1550. Each domain displays a specific type of harmful speech behaviour. They concern, respectively, the use of sinful words, improper words, and criminal words. The study therefore concerns three types of speech behaviour represented by the three domains:

-    sinful words: notions on harmful speech behaviour in the ecclesiastical domain;
-    improper words: notions on harmful speech in the secular-ethical domain;
-    criminal words: notions on harmful speech behaviour in the judicial domain.

The next chapter will deal with the internal cohesion within the domains, the underlying traditions and some relevant historical developments.

1.2 Corpus

A brief summary of the text corpus within the three domains will help here; a detailed justification for the selection can be found in the individual chapters on the domains. The first domain consists of moral-theological discussions of deadly sins, in which 'the sins of the tongue' are discussed. The texts which discuss the sins of the tongue as a separate category owe a considerable debt to the moral theological work *Summa vitiorum* (1236), by the Dominican Guillelmus Peraldus. This text played an important part in the distribution of the ecclesiastical concept of 'the sins of the tongue' in Europe. Peraldus gave the sins

of the tongue an important place among the deadly sins, calling them the eighth deadly sin. The corpus consists of the only three Middle Dutch texts which treat the sins of the tongue as a separate category, that of the fourteenth century rhyming version of the *Spiegel der sonden*, the fifteenth-century prose version of the *Spiegel der sonden*, and *Des coninx summe* (1408). The corpus further consists of *Cancellierboeck* (fourteenth century) and *Tafel vanden kersten ghelove* (1404). The sins of the tongue are discussed in these last works not as a separate category, but spread across the seven deadly sins.

The study of the second domain, secular-ethical, uses texts which feature a whole series of quotations from biblical books of wisdom and ancient philosophy. The texts are particularly associated with the thirteenth-century North Italian lawyer Albertanus of Brescia, a notable authority in the field of the ethics of speaking. The corpus contains a translation of a treatise by Albertanus on the ethics of speaking, *Die konste om te leren spreken ende swighen alst tijt is* (1484), a Middle Dutch translation of his *Ars loquendi et tacendi*. The works by the lay authors Jan van Boendale and Dirc Potter which have been included also owe much to Albertanus. These are Boendale's *Melibeus* (1342), *Dietsche doctrinale* (1345) and *Der leken spieghel* (1325-1330), and Potter's *Mellibeus* (after 1415) and *Blome der doechden* (na 1415).[6] In addition, the corpus consists of the 'quotation texts' *Gentse Boethius* (1485 edition) and *Sottenschip* (1500 edition). The secular-ethical corpus further consists of writings accrued from a list of recommendations from one of the biblical or ancient authorities on the 'Albertanian' texts, the *Boec van Sidrac* (first quarter of the fourteenth century), *Den Duytschen Cathoen* (1500), and the related *Bouc van seden* (1380-1424).

The third domain, that of law, is studied through a trial of 1480 about the use of the words "*meyneydich boeve*" ("perjuring crook") by a landowner to his tenant. He uses this expression in the presence of the aldermen of the town of Echt (nowadays situated in the province Limburg, in the south of the Netherlands). The aldermen seek advice from the High Court in Roermond, and the written representation of this advice, called a *wyssenis*, forms the source for this trial. The Middle Dutch *wyssenis* is part of a collection of such advices and descriptions surrounding the relevant trials in Roermond between 1459 and

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[6]   Although Jan van Boendale very probably wrote *Melibeus* and *Dietsche doctrinale,* this cannot be confirmed with any certainty. See J. REYNAERT, "Boendale of Antwerpse School? Over het auteurschap van *Melibeus* en *Dietsche doctrinale*", in: *Al t'Antwerpen in die stad: Jan van Boendale en de literaire cultuur van zijn tijd*, ed. W. VAN ANROOIJ (Amsterdam, 2002: *Nederlandse literatuur en cultuur in de middeleeuwen* 24), pp. 127-157 and 177-182.

1487. The source is known as the *Nye boeck*. The domain further consists of Middle Dutch collections of local by-laws (*keurboeken*): Antwerp (middle of the fourteenth century-1419), Bolsward (1455), Breda (1373), Elburg (*c.* 1390 and 1551-1562), Harderwijk (second half of the fifteenth century), Hasselt NL (fifteenth century), Kampen, *Dat gulden boeck* (1329-1450), Leiden (pre-1370), Goor (end of the fourteenth century), Groningen (*c.* 1467), Sneek (1456), Vianen (1336), Vollenhove (from 1318), Wittem (1550), and Zutphen (first half of the fourteenth century). These laws focus on criminal words comparable to the criminal expression used by the landowner in the case study: *meyneydich boeve*.

In the ecclesiastical and secular-ethical domains, the corpus is constructed around 'key figures': Guillelmus Peraldus and Albertanus of Brescia respectively. As will be explained in chapter 2, a key figure cannot be indicated in the judicial domain, which is more complex and diffuse. The analysis of the judicial domain is for that reason much more exploratory in nature, using a case study. So caution should be used in the comparison of the results of the judicial domain with those of the ecclesiastical and secular-ethical domains.

1.3 Status of the Research

1.3.1 Medieval Notions on Harmful Speech Behaviour

Over the past decades, a number of literary historians have pointed to a remarkable medieval interest in the ethics of speech behaviour in both Latin and vernacular texts. This interest is said to exist in various countries in late medieval Western Europe, corresponding to present-day Italy, Germany, Great Britain, France, Belgium and the Netherlands. In the 1960s, Jacques Le Goff discussed almost casually the interest in harmful speech behaviour in medieval Western Europe between 1000 and 1300. He wrote about a "preoccupation with the lie" in medieval Europe. He pointed to the huge popularity of *De mendacia*, Augustine's treatise on the lie, as an indicator.[7] There is literary and

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[7]   J. LE GOFF, *De cultuur van middeleeuws Europa*, translation of *La civilisation de l'occident medieval* (Paris, 1964: *Les grandes civilisations*), trans. R. FAGEL *et al.*, with an introduction by P. LEUPEN (Amsterdam, 1987), p. 442. See BARDSLEY, *Venomous Tongues*, p. 3: Bardsley points to a "centrality of speech to medieval life" and "a prompted concern about how it [speech MV] might be used". See also S. BARDSLEY, "Sin, speech, and scolding in late medieval England", in: *Sign, Sentence, Discourse. Language in Medieval Thought and Literature*, ed. J.N.

historical interest in harmful speech behaviour in medieval times in particular within the framework of Latin and vernacular texts about pastoral care, known as moral-theological literature. An important line of research focusses on the concept of the sins of the tongue. Work by the Italian medievalists Carla Casagrande and Silvana Vecchio offers a good overview of the Latin tradition of the sins of the tongue as a conceptual whole.[8] The Latin tradition of the sins of the tongue peaked, according to them, in the thirteenth century; however, the appeal of the sins of the tongue remained strong after this period too.[9] Other researchers point to the continuing interest in the sins of the tongue in ecclesiastical circles during the fourteenth and fifteenth centuries, and focus on the sins of the tongue in vernacular texts. For example, the literary historian Edwin D. Craun argues that the discourse on the sins of the tongue can also be found in fourteenth- and fifteenth-century medieval moral-theological literature.[10] Bettina Lindorfer indicates the discourse in Middle English moral-theological sources from the early modern period.[11]

Another line of research focusses on the continued effect of the concept of the sins of the tongue in texts outside the ecclesiastical framework. Researchers view the Latin discourse on the sins of the tongue as the seed from which a broad distribution of the ideas in other domains grew. For this, too, Craun is an important authority. In the introduction to *The Hands of the Tongue* from 2007, which he edited, he speaks of the influence on ecclesiastical and judicial sources, school texts, and etiquette books, of the Latin discourse on the sins of the tongue.[12] He also signals a continuing effect in texts by the lay author

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WASSERMAN and L. RONEY (Syracuse and New York, 1989), pp. 145-164, and J.M. FYLER, *Language and the Declining World in Chaucer, Dante, and Jean de Meun* (Cambridge, 2007: *Cambridge Studies in Medieval Literature* 63).

[8] C. CASAGRANDE and S. VECCHIO, *Les péchés de la langue*: *Discipline et éthique de la parole dans la culture médiévale*, translation of *I peccati della lingua: Disciplina ed etica della parola nella cultura medieval* (Rome, 1987), trans. P. BAILLET (Paris, 1991). See also M.D. JOHNSTON, "The treatment of speech in medieval ethical and courtesy literature", *Rhetorica: A Journal of the History of Rhetoric* 4 (1986), pp. 21-46.

[9] CASAGRANDE and VECCHIO, *Les péchés de la langue*, pp. 169-170.

[10] E.D. CRAUN, *Lies, Slander and Obscenity in Medieval English Literature: Pastoral Rhetoric and the Deviant Speaker* (Cambridge, 1997: *Cambridge Studies in Medieval literature* 31), p. 9.

[11] B. LINDORFER, "*Peccatum linguae* and the punishment of speech violation", in: *Speaking in the Medieval World*, ed. J.E. GODSALL-MYERS (Leiden and Boston, 2003: *Cultures, Beliefs and Traditions* 16), pp. 23-42. See also B. LINDORFER, *Bestraftes Sprechen: Studien zur historischen Pragmatik des Mittelalters* (Munich, 2009).

[12] *The Hands of the Tongue: Essays on Deviant Speech*, ed. E.D. CRAUN (Kalamazoo, 2007:

Albertanus of Brescia, and the works following in his tradition, that is to say works that contain secular-ethical recommendations about the interaction between people.[13] One of Craun's own researches showed that a moral-theological discourse has a continuing effect in narrative works, such as Geoffrey Chaucer's *Canterbury Tales* (in particular in the Manciple's Tale and the Parson's Tale).[14] Some researchers go further. While Edwin D. Craun suggests that there are links between texts, Sandy Bardsley deliberately uses the word 'discourse'.[15] She carried out research into women who cursed (scolds) and were convicted remarkably frequently in late medieval Great Britain.[16] That is not an isolated fact, but a phenomenon that occurs often both in judicial and literary texts. This case shows that there is a discourse on this sub-theme in the area of harmful speech behaviour, overarching the domain.

Researchers focussing on Low Countries have also done domain-comparing research into notions on harmful speech behaviour. The historians Jan Dumolyn and Jelle Haemers focus on politically subversive categories such as inflammatory speech and muttering, and the distribution of subversive rumours about the authorities. They highlight politically subversive speech acts in late medieval Flemish towns, expressions of social discontent which form a direct threat to authority, at both the local and the central level.[17] Dumolyn and Haemers make use of Middle Dutch and Middle French texts from a variety of domains, such as political and judicial texts, chronicles and fiction. They also reference a Middle Dutch secular-ethical text: *Den Duytschen Cathoen*. However, they use the texts not to indicate a discourse overarching domains, but see them rather as legitimising government interference in public speech behaviour in the Flemish towns. In an exploratory article within the specialism of Middle Dutch, Paul Wackers wrote about 'right' and 'wrong' speech behaviour in a number of literary domains (the term he uses is not 'domain', however, but 'angle of approach').[18] Wackers shows that the various domains have shared

Studies in Medieval Culture 47). The collection contains in particular Anglo-Saxon-oriented articles of a literary and art historical nature.

[13] E.D. CRAUN, "Introduction: Marking out deviant speech", in: *The Hands of the Tongue. Essays on Deviant Speech*, pp. IX-XVIII, at p. XII.

[14] CRAUN, *Lies, Slander and Obscenity in Medieval English Literature*.

[15] BARDSLEY, *Venomous Tongues*, pp. 3-4.

[16] Bardsley calls the first category 'scolds', "women who engaged in loud public arguments" (BARDSLEY, *Venomous Tongues*, p. 41).

[17] DUMOLYN and HAEMERS, "'A bad chicken was brooding'", pp. 45-86, and DUMOLYN and HAEMERS, "'A blabbermouth can barely control his tongue'".

[18] P.W.M. WACKERS, "Opvattingen over spreken en zwijgen in het Middelnederlands", in:

notions on right and wrong speech behaviour. For example, perjury is condemned similarly both from an ecclesiastical and a judicial perspective. He also sees differences. For example, in judging the swearing of an oath, the ecclesiastical and judicial domains apply different standards. In his article he shows the potential in Middle Dutch material. He refers to a wide range of texts on this subject: from discursive texts, such as *Des coninx summe* and *Rechtsboek van Den Briel*, to fictional texts such as *Van den vos Reynaerde*, *Die Rose*, *Roman van Heinric en Margriete en van Limborch* and *Die borchgravinne van Vergi*.[19]

The researches by Craun, Dumolyn and Haemers, Bardsley's case study of scolds, and Wackers' exploratory article prove that successful domain-comparing research can be carried out. Bardsley used the idea of 'discourse'. Based on the aforementioned studies, we can determine that it is possible to carry out domain-comparing research in a search for an overarching discourse. Stephen Greenblatt's research is another reason for not limiting the study of notions on harmful speech behaviour to a single domain, but to involve various domains in the analysis. According to Greenblatt, there is always interaction between the means of expressing oneself in the varying domains (he uses the word 'sectors' and bases his work on literature). Greenblatt develops the notion of 'circulation of social energy' to indicate the dynamism of ideas between various expressions of culture.[20] This 'circulation' refers to the phenomenon that par

Wat is wijsheid? Lekenethiek in de Middelnederlandse letterkunde, ed. J. REYNAERT (Amsterdam, 1994: *Nederlandse literatuur en cultuur in de middeleeuwen* 9), pp. 288-303 and 437-442.

[19] WACKERS, "Opvattingen over spreken en zwijgen in het Middelnederlands". See also P.W.M. WACKERS, *De waarheid als leugen: Een interpretatie van* Reynaerts historie (Utrecht, 1986), and ID., "Opvattingen over taal en taalgebruik", in: *De middeleeuwse ideeënwereld, 1000-1300*, ed. M. STOFFERS (Hilversum, 1994: *Middeleeuwse Studies en Bronnen* 63), pp. 317-342. For research into the sins of the tongue in the early modern period, see also C. MAZZIO, "Sins of the tongue", in: *The Body in Parts: Fantasies of Corporeality in Early Modern Europe*, ed. D.A. HILLMAN and C. MAZZIO (New York, 1997), pp. 53-80; ID., "Sins of the tongue in early modern England", *Modern Language Studies* 28.3-4 (1998), pp. 93-124; T. VAN HOUDT and J. LATHAM, "Detraction and derision: Language and honor in the *Orbis Phaëton* of Hieremias Drexel S.I.", *De zeventiende eeuw* 18 (2001), pp. 43-50; and E. KLOEK, "Heldenmoed, huwelijkstrouw en vrouweneer: Bakhuizen van den Brink en de 'nijvere huisbestierster' Brecht Proosten († ca. 1592)", *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden* 117 (2002), pp. 307-330.

[20] S. GREENBLATT, *Shakespearean Negotiations: The Circulation of Social Energy in Renaissance England* (Berkeley, 1989). See also K. BRILLENBURG WURTH and A. RIGNEY, *Het leven van teksten: Een inleiding tot de literatuurwetenschap* (Amsterdam, 2006), p. 303, and for criticism of the use by cultural historians of the words 'discourse' and 'social circulation': J. DUMOLYN, "Urban ideologies in later Medieval Flanders", in: *The Languages of Political*

ticular views or opinions in the late Middle Ages can transfer from one expression of culture to the other. They are adapted and changed in the process, but there is a measure of continuity too.

1.3.2 Inventory of Methods

No method, suitable for the objective of this book, has yet been developed: such a method requires a set of language theory instruments with which successfully to carry out domain-comparing research into notions on harmful speech behaviour. There are, however, a number of methods available for the analysis of notions on harmful speech behaviour in three domains. One effective approach, for example, is that of Germanist Jean Godsall-Myers, in the introduction to the literary and historical collection *Speaking in the Medieval World* (2003).[21] She focusses on speech situations in the world of narrative works, and in particular on the speech behaviour exhibited by the characters in stories. In her study of medieval literature, she makes use of linguistic insights, with which she links the disciplines of linguistics and literature in Medieval Studies. To that end, she develops an extensive methodological model which is aimed at the analysis of dialogue between literary characters. The attention paid to certain variables in the study of speech behaviour is an important element in her article. She uses what is known as the 'SPEAKING-model' by Dell Hymes.[22] This model was developed for the charting of speech situations. Godsall-Myers highlights, among other things, the place, the participants, the moment in which the expressions take place, and the intention of the participants in the dialogue in a specific speech situation. Just as Godsall-Meyers, Jan Dumolyn and Jelle Haemers make use of linguistic methods. They too use the social linguist Dell Hymes' variables and apply them to their research into subversive speech behaviour in Flemish towns in the late Middle Ages. Hymes

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Society: Western Europe, 14-17th Centuries, ed. A. GAMBERINI, J. GENET, and A. ZORZI (Rome, 2011), p. 71.

[21] J.E. GODSALL-MYERS, "Introduction", in: *Speaking in the Medieval World*, ed. J.E. GODSALL-MYERS (Leiden and Boston, 2003: *Cultures, Beliefs and Traditions* 16), pp. 1-23.

[22] D. HYMES, *Foundations in Sociolinguistics: An Ethnographic Approach* (London, 1977). In H. HOUTKOOP and T. KOOLE, *Taal in actie: Hoe mensen communiceren met taal* (Bussum, 2000), p. 95. Hymes is characterised as a representative of the ethnography of communication, an approach based on linguistics and cultural anthropology, which focusses on the cultural variety in language. See also DUMOLYN and HAEMERS, "'A bad chicken was brooding'".

focusses in particular on the concrete speech situation as an important variable. In addition, Dumolyn and Haemers advocate more emphasis on the social background of the speakers and the underlying political agendas.[23]

The study into historical notions on blasphemy by Gerard Schwerhoff and Francisca Loetz is also of interest to this research in respect of the methodology used. Schwerhoff uses the 'speech act theory' of the philosopher J.L. Austin and his pupil J.R. Searle in order to gain insights into historical concepts of blasphemy.[24] According to this theory, speaking can be a deed, an action that can influence reality.[25] So words are capable of causing harm and pain. The assumption is that the spoken word not only expresses something, but can actually do something too. In her study of early modern notions of blasphemy in Zurich, Loetz applies the speech act theory to her judicial source material. In addition, she expands the theory to include language theories which, as she explains, do more justice to the interaction between the speaker and the person being spoken to. She calls her approach 'speech action theory'. The speech act

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[23]   DUMOLYN and HAEMERS, "'A bad chicken was brooding'", pp. 48-50.

[24]   J.L. AUSTIN, *How to Do Things with Words: The William James Lectures delivered at Harvard University in 1955*, ed J.O. URMSON (Oxford, 1962), and J.R. SEARLE, *Speech Acts: An Essay in the Philosophy of Language* (Cambridge, 1969). See also L.K. LITTLE, *Benedictine Maledictions: Liturgical Cursing in Romanesque France* (Ithaca and London, 1993); H. SOLTERER, "Flaming words: Verbal violence and gender in premodern Paris", *Romanic Review* 86 (1995), pp. 355-378; ID., *The Master and the Minerva: Disputing Women in French Medieval Culture* (Berkeley and Los Angeles, 1995); and S. BARDSLEY, "Men's voices in late medieval England", in: *The Hands of the Tongue*, pp. 163-184, at p. 171, for the application of Austin and Searles' speech act theory within the field of medieval studies. See I. SLUITER, *Taaltheorie en vrijheid van meningsuiting* (Leiden, 2000), for the application to ancient textual sources. The speech act theory has been very influential in research in a wide variety of disciplines within the field of comparative literature. See, e.g. M. FOUCAULT, *The Government of Self and Others: Lectures at the Collège de France, 1982-1983*, translation of *Gouvernement de soi et des autres* (Paris, 2008), trans. G. BURCHELL, ed. F. EWALD, and A. FONTANA (Basingstoke *et al.*, 2010); and J. BUTLER, *The Excitable Speech: A Politics of the Performative* (New York, 1997). See also D. GORMAN, "The use and abuse of speech-act theory", *Poetics Today* 20 (1999), pp. 93-119, on criticism of literary scholars who use Austin's theory incorrectly; J. DERRIDA, *Limited Inc*, trans. S. WEBER and J. MEHLMAN (Evanston, IL, 1988), for the literary critic and philosopher Jacques Derrida's views on Austin and Searle; and P.J. RABINOWITZ, "Speech acts and literary studies", in: *The Cambridge History of Literary Criticism*, 8, *From Formalism to Poststructuralism*, ed. R. SELDEN (Cambridge, 1995), pp. 375-403, for an overview of the application of Austin's speech act theory in the field of comparative literature studies. See also P. BOURDIEU, *Language and Symbolic Power*, trans. G. RAYMOND and M. ADAMSON, ed. J.B. THOMPSON (Cambridge, 1991), in particular pp. 107-116, for Pierre Bourdieu's criticism of the speech act theory.

[25]   AUSTIN, *How to Do Things with Words*, and SEARLE, *Speech Acts*.

theory of Austin and Searle, Hymes's SPEAKING-model and other language theories, will be dealt with in more detail in chapter 2.

1.4 The Concept 'Discourse'

An effort will be made, based on the method developed in chapter 2, to discover a discourse that goes beyond the three domains defined. For the purposes of this study, the following definition of 'discourse' will be used: discourse is a collection of habits in ideas and language use which are familiar to a large group of people. It is not merely a topic of conversation in limited circles, but a 'collection of associations' that is known to a large part of a society.[26] The fact that a discourse is familiar to people does not necessarily mean that a large group also endorses certain aspects of a discourse. Some will resist the discourse, while others will actually consciously use it. In *Language and Symbolic Power*, Pierre Bourdieu states that it is possible to exercise power with a discourse.[27] If a discourse turns out to be significant, and a process of awareness is set in motion, it can impact on a wide range of texts and other cultural media. According to Michel Foucault, discovering the origins of a discourse is impossible, since the texts only refer to each other. Discourses are autonomous, and because of their elusive nature, they stand alone.[28] Critics, however, maintain that this view separates discourses completely from the social 'reality'. The medievalists Sandy Bardsley and Jan Dumolyn, who have worked on themes linked to harmful speech behaviour, state that there is a driving force behind such a discourse. There are always 'players' who benefit from circulating and maintaining a discourse.[29] Bardsley, for example, interprets the extensive judicial and literary focus on scolds in late medieval Great Britain as an instrument of control in the hands of the ruling classes. She argues that the popularised discourse on harmful speech behaviour was utilised to achieve and expand positions of power. By emphasising the power of words, people looking to raise their status discovered they could silence the voices of their opponents.

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[26] BARDSLEY, *Venomous Tongues*, pp. 3-4.
[27] BOURDIEU, *Language and Symbolic Power*, p. 39. See also BARDSLEY, *Venomous Tongues*, p. 3.
[28] M. FOUCAULT, *The Archaeology of Knowledge* (London, 1972).
[29] BARDSLEY, *Venomous Tongues*, p. 4, and DUMOLYN, "Urban ideologies in later medieval Flanders", p. 71.

Where Bardsley accentuates the use of discourse as an instrument of control in the hands of the ruler, the literary historian Helen Solterer, in her study of harmful words in French medieval disputation texts, shows that, to the contrary, women, as a marginalised group, used a specific discourse on harmful speech behaviour to criticise the dominating party and its misogynistic views.[30] There were even women who took the matter to court, threatening to sue their critics for slander. This is also reflected in the research done by the historians Jan Dumolyn and Jelle Haemers on subversive speech behaviour in late medieval Flemish towns.[31] They show that, with language, the non-ruling class (masters of the guilds and their followers) had access to a powerful political weapon, many times more effective than physical violence.[32] The concept of the harmful word is therefore used not only by the dominating parties to exert power over others, but also by the marginalised themselves. Although there are varying ideas on which people are the driving force behind a discourse, the fact that they exist has in any case been confirmed. The present study concurs with that view. In order to identify who was circulating and maintaining a discourse on harmful speech behaviour, it is necessary to examine the political and social context of the Low Countries in the late Middle Ages, and to look for the interests of the 'players' of the discourse. This study may provide points of departure for historians seeking the driving force behind such a discourse.

1.5 Limitations of the Study and Methodological Observations

Opting for a comparative study, with a specific theme, necessitates limiting this domain-comparing study at certain points. The extent of the available corpus also makes it necessary to make a number of methodological choices. First, because of the broad orientation of the study, only limited information can be given about the context of the texts used.[33] This means that the works, the public, the function, and a global overview of the content of the works used

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[30] SOLTERER, *The Master and the Minerva.*

[31] DUMOLYN and HAEMERS, "'A bad chicken was brooding'".

[32] SOLTERER, *The Master and the Minerva*, and DUMOLYN and HAEMERS, "'A bad chicken was brooding'".

[33] T. WIJSENBEEK-OLTHUIS, "Vreemd en eigen: Ontwikkelingen in de woon- en leefcultuur binnen de Hollandse steden van de zestiende tot de negentiende eeuw", in: *Cultuur en maatschappij in Nederland 1500-1850.: Een historisch-antropologisch perspectief*, ed. P. TE BOEKHORST, P. BURKE, and W. FRIJHOFF (Meppel, Amsterdam, and Heerlen, 1992), pp. 79-108, at p. 82.

will be discussed, but not in great detail, due to the long-term perspective of this study. The research question will also be limited, since a 'complete' overview of all relevant texts within the domains is nowhere near being possible. For example, limiting ourselves to a single type of text would have made it much easier to 'graze' all texts available. In this context, there is an extra analytical challenge in the fact that the texts are extremely diverse in terms of their authors' backgrounds, the functioning of the texts, and the composition of their public. However, there is another reason behind giving limited information only, other than the approach this research takes. Making judgements on certain aspects of, for example, the historical context of Middle Dutch texts, can be problematic in every case. The public and the authorisers of the ecclesiastical and pastoral-ethical sources are seldom easy to determine. As the literary historian Wim van Anrooij states:

> After the tempestuous introduction of reception aesthetics in the study of Middle Dutch in the early 1980s, there was a gradual increase in popularity of the view that there is actually very little to be said, with any certainty, about the authorisers and public of many, often well-known, texts.[34]

In addition to the lack of reliable information about the public and the authorisers, determining the function of a text is complicated. Texts may fulfil a variety of functions. Moreover, the nuance of a text may fluctuate, since a text can be interpreted in different ways.[35]

From a birds-eye view, as used in this study, it is equally impossible to do complete justice to historical developments in the Middle Dutch ecclesiastical, secular-ethical and judicial texts over a period of 250 years. The relation between harmful speech behaviour and historical developments is in any case complex, as the historian Gerhard Schwerhoff emphasised in his quest to find

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[34] W. VAN ANROOIJ, "De wandelende tekst: Middeleeuwse verhalen veranderen voortdurend", *Academische boekengids* 45 (2004), June issue, pp. 22-23, at p. 23 (translated by Lizzy Kean). Rightly indicated as a complicating factor by Paul Wackers in his article about notions on speaking and remaining silent in Middle Dutch, not every type of text has its own audience (WACKERS, "Opvattingen over spreken en zwijgen in het Middelnederlands", p. 302). Godsall-Myers makes a similar qualification in the framework of literary works, but in sociolinguistic terms. She states that people can belong to more than one speech community. For 'speech community', see GODSALL-MYERS, "Introduction", p. 6, and M. SAVILLE-TROIKE, *The Ethnography of Communication: An Introduction*, 2nd revised edn. (Oxford, 1989: *Language in Society*), pp. 16-25.

[35] WACKERS, "Opvattingen over spreken en zwijgen in het Middelnederlands", p. 302.

the historical context of German ecclesiastical and legal history ideas on blasphemy in the late Middle Ages.[36] Historians who are working on late medieval notions on harmful speech behaviour in other parts of Europe point to a number of pan-European factors, which could also be relevant as historical developments for notions on harmful speech behaviour in the Low Countries. The exact chronology and the importance of the various elements nevertheless deserve more attention than is devoted to them here. This study will not strive to reconstruct a monolithic historical frame, but a number of historical tendencies will be considered. The results of the analysis will be linked to these historical developments. Special attention has been paid to textual variation in the different manuscripts or prints, except in the case of a number of totally different versions. This could have been caused, for example by multiple translations of a source text (Jan van Boendale's *Melibeus* and Dirc Potter's *Mellibeus*), or by the existence of a rhyming and prose version (*Spiegel der sonden*).[37] Furthermore, where possible, both the date of the 'original' and the date of the definitive text media of the text edition used, are mentioned in the list of sources. In addition, the 'original' author is linked to the text ('In *Der leken spieghel*, Jan van Boendale states that...'). This may require observations. For example, according to the *New Philology*-principle, the term 'original' is problematic.[38] Should Jan van Boendale be regarded as the author of *Der leken spieghel*, even though the copy of the text used dates from much later?

When studying notions on harmful speech behaviour, it is moreover necessary to take into account a complex combination of factors before general statements about the notions can be made. Is a notion, deduced from a source, indicative for the world of a character, the narrator, the author, the reviser,

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[36] G. SCHWERHOFF, "'*Blasphemare, dehonestare et maledicere Deum*': Über die Verletzung der Göttlichen Ehre im Spätmittelalter", in: *Verletzte Ehre: Ehrkonflikte des Mittelalters und der Frühen Neuzeit*, ed. K. SCHREINER and G. SCHWERHOFF, (Cologne, Weimar and Vienna, 1995), pp. 252-278, at p. 265.

[37] *CD-rom Middelnederlands: Woordenboek en teksten*, ed. Instituut voor Nederlandse Lexicologie (The Hague and Antwerp, 1998), p. 14. Moreover, a comparison between prose and rhyme was to be desired, because the edition of the rhyming version of *Spiegel der sonden* (*Die spiegel der sonden: Eerste deel: de berijmde tekst naar het Münstersche handschrift*, ed. J. VERDAM (Leiden, 1900)) is problematic: the editor has adapted the text in terms of dialect. Strictly speaking, the text does not 'exist' in the way it appears in the Verdam edition.

[38] VAN ANROOIJ, "De wandelende tekst", p. 22. See also E. HUIZENGA, *Tussen autoriteit en empirie: De Middelnederlandse chirurgieën in de veertiende en vijftiende eeuw en hun maatschappelijke context* (Hilversum, 2003: *Artesliteratuur in de Nederlanden* 2), p. 429, in translation: "Each gospel text deviates, to a lesser or greater degree, from the other, as a result of deliberate adjustments and changes, according to the wishes of the compiler or copyist".

copyist, or any additional editor who prepared the text for a compilation? And to what extent is that notion influenced by the conventions of the genre?[39] Moreover, the sources will contain a certain degree of social prejudice. Those who wrote down the notion could differ in terms of gender and / or social standing from those being addressed. Notions on harmful speech behaviour by women will often have been written by men, for example. In his study of stylistic diversity in Middle Dutch epic poetry, Joost van Driel shows that the author's writing style is also an important analytical factor.[40] He cites the example of the difference in 'cursing behaviour' between author Penninc's part of the Arthurian romance *Walewein* and that of the author Pieter Vostaert. Walewein's opponents curse much more in the part written by Vostaert. Possibly, Pieter Vostaert had a greater personal preference for slanging matches than Penninc did. A further complicating factor is the relation between the speech behaviour of narrators or characters and explicit statements by authors about speech behaviour. In her book *Transforming Talk*, the literary historian Susan E. Phillips shows that Geoffrey Chaucer and other Middle English men of letters used characters to allow themselves to make remarks they could not otherwise make in the ruling discourse.[41] She demonstrates that, although authors such as Chaucer publicly disapproved of the speech act of gossip, they definitely made use of it through their characters. This allowed them to express social criticism, for example.

1.6 Relevance

The domain-comparing research into Middle Dutch notions on harmful speech behaviour, described above, offers insight into the way in which norms and values in a particular historical society were shaped and experienced. Research of notions on speech could serve as a key in research of norms and values in late medieval society.[42] Moreover, this research contributes to a pos

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[39] GODSALL-MYERS, "Introduction", p. 3.

[40] J. VAN DRIEL, *Prikkeling der zinnen: De stilistische diversiteit van de Middelnederlandse epische poëzie* (Zutphen, 2007), p. 96.

[41] S.E. PHILLIPS, *Transforming Talk: The Problem with Gossip in Late Medieval Thought* (University Park, PA, 2007), p. 417.

[42] LINDORFER, "*Peccatum linguae* and the punishment of speech violation", p. 25: "Why is it of interest to consider the question of punishments for speaking in unaccepted ways at all interest (*sic*)? The subject of sins of the tongue in the Middle Ages and of popular speech offences

sible reorientation in the field, in the direction of questions which are both thematic and unrestricted by genre. A more general point is that the issue of the harmful spoken word is underexposed and deserves more attention in the field of Middle Dutch studies. The notions on harmful speech behaviour which emerge from this study, together with the language theory approach developed, could lead to new interpretations of, for example, narrative texts. Such insights could be used to analyse the speech behaviour of characters in these texts, and to check the extent to which, for example, their speech behaviour says something about central issues in the story.

This research is also socially relevant, since it can offer a historical contrast to contemporary discussions on verbal behaviour, such as debates on bullying, the abolition of blasphemy laws, and the conflicting tension between freedom of speech and hate speech.[43] There are aspects of notions on harmful speech behaviour which played a role in late medieval society, and may once again be relevant today. This research can contribute to social and cultural issues about harmful speech behaviour, whereby the late Middle Ages can be used as a testing ground for models and ideas.[44] The manner in which, and the degree to which the Middle Dutch sources exhibit a consciousness of the con-

in the early modern period is a good starting point for an inquiry into the historical importance of human speech and language in everyday life". This concurs with the interest in harmful speech behaviour within historical pragmatism. See M. BAX, "'*Soe wee uwen hovede ...*': Ritueel verbaal geweld en historische pragmatiek", *Groniek: Historisch tijdschrift* 39 (2006), pp. 487-501, at p. 488, in translation: "The historical dimension of linguistic communication is naturally unmistakable, and research has been carried out in the framework of historical pragmatism, since the 1980, into practices of language use in earlier times, for the purpose of exposing the correlation between forms of language behaviour and cultural-historical contexts, and explaining the progress of conventions of language use and verbal genres". See BAX, "'*Soe wee uwen hovede ...*'", p. 490, on the function of the field of pragmatics. In translation: "In pragmatic analyses, a description is given of what language users 'do' by means of the words they speak; in other words which kind of action is possessed by the expressions subsequently used" (translated from the Dutch by Lizzie Kean).

[43] BUTLER, *The Excitable Speech*, and M. FOUCAULT, *Fearless Speech*, ed. J. PEARSON (Los Angeles 2001). Translation of *Le courage de la vérité: Le gouvernement de soi et des autres II: Cours au Collège de France* 1983-1984 (Paris, 2009). See also I. VAN RENSWOUDE, *License to Speak: The Rhetoric of Free Speech in Late Antiquity and the Early Middle Ages* (PhD thesis Utrecht, 2011), pp. 4-5, and a website from Oxford University on free speech: http://www.freespeechdebate.com [09/05/2016].

[44] See for this claim related to the Ancients SLUITER, *Taaltheorie en vrijheid van meningsuiting*, pp. 11-12, and C. BOVY, "Vijf vragen aan prof. dr. I. Sluiter", *Geestesoog* 4.2 (2007), p. 1 (interview with Sluiter). See also HOUTKOOP and KOOLE, *Taal in actie*, p. 96, on the relevance of studying culturally specific aspects of language use.

structive and destructive potential of words could, for example, be an inspiration in a time when ill-considered words are placed in the public domain via social media.

1.7 Research Question and Plan

The manner in which the research on the discourse-overarching domains, based on the language theory method, to be explained later, will take form in this book, is as follows. Any parallels with ideas, relevant at the time, of the harmful word shared between the ecclesiastical, secular-ethical, and judicial domains will be explored. The main question of this research is: to what extent is there an overarching discourse on harmful speech behaviour in Middle Dutch texts? There will be a search for correlation in cultural rules and rhetorical conventions in the construction of notions on harmful speech behaviour. To that end, two sub-questions are central issues:

1. What are the images of harmful speech behaviour?
2. In what way are these images formed?

By asking these questions of Middle Dutch ecclesiastical, secular-ethical and judicial texts from between 1300 and 1550, any existing overarching discourse, which was defining for the concept of the harmful spoken word in the late Middle Ages, will be revealed. In the analysis of the corpus from the three domains, this study will make use of modern language theory ideas.

The study begins with a chapter dealing with the periodisation, the cohesion within the domains, relevant language theories and method. The three domains mentioned are the focus of the subsequent chapters. In chapter 3, notions on 'sinful words' within the ecclesiastical domain will be discussed. In chapter 4, it is the turn of the secular-ethical domain, with 'improper words' as guideline. Finally, in chapter 5, the judicial domain will be explored by way of a case study, under the heading 'criminal words'. In chapter 6, the three domains will be compared, with special attention being paid to the question of the extent to which any overarching discourse on harmful speech behaviour in Middle Dutch texts exists. This is followed by a number of closing considerations.

Harmful Speech Behaviour in Three Domains: Background and Method

2.1 Introduction

T his chapter takes an in-depth look at the two innovative aspects of this research. The first aspect is the search for an overarching discourse in three domains. The three domains central to this research are the ecclesiastical, the secular-ethical, and the judicial domains. What is the internal cohesion of the domains? Who are the important key figures of descriptions of harmful speech behaviour, and which are the most important source texts? The domains will be dealt with in turn, and a number of historical and literary historical developments will be highlighted in each of them. The second aspect is the application of a number of language theory insights regarding the studying of the Middle Dutch corpus on harmful speech behaviour. To that end, a specification of the language theory concepts on which the method is based, follows. Subsequently, the method itself will be discussed, leading to an analysis model for each single text. However, before a more detailed explanation of the domains, language theory and method is introduced, the periodisation (and with it the degree of continuity) of discourses on harmful speech behaviour will be discussed, along with the temporal demarcation of the present study.

2.2 Periodisation

Researchers signal a remarkable interest in harmful speech behaviour in the thirteenth century – the 'century of the tongue', as described by Jacques Le Goff.[1] It was the time in which a Latin ecclesiastical tradition of the sins of the tongue developed. Albertanus of Brescia marked the beginning of a secular-ethical discourse on harmful speech behaviour – more about that in the discussion on the secular-ethical domain below. There is, however, no agreement to be found in existing research as to the end of these discourses. Did these discourses continue into the early modern period or not? Some researchers like to emphasise their continuity in the early modern period. Olivier Christin states that the thirteenth-century tradition of the sins of the tongue was continued, almost unchanged, throughout the seventeenth century. The theoretical basis of the sins of the tongue from the ecclesiastical tradition was to continue for centuries.[2] Gerhard Schwerhoff also talks of continuity in relation to notions on blasphemy. According to Schwerhoff, the late medieval judicial and ecclesiastical accent on blasphemy remained undiminished after the Reformation. However, he goes on to nuance this. Lutherans, for example, adopted the late medieval philosophy of blasphemy, but used it in a new way, to oppose religious adversaries.[3]

Bettina Lindorfer accentuates a rift in the notions on harmful speech behaviour between the Middle Ages and the early modern period. She does so within the ecclesiastical domain.[4] She states there are early modern theological treatises and sermons which focus attention on sinful speech behaviour, but with more emphasis on putting into practice speech norms and on the punishment of sinful speech behaviour. The focus was no longer on a systematic division of, and theoretical reflection on, speech behaviour. The reason for that is thought to be a more intensive interference by empirical authorities with aspects of harmful speech behaviour. They introduced new speech laws.

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[1]   J. LE GOFF, "Préface", in: C. CASAGRANDE and S. VECCHIO, *Les péchés de la langue*, p. 13. See also LINDORFER, "*Peccatum linguae* and the punishment of speech violation", p. 31.

[2]   O. CHRISTIN, "Sur la condamnation du blasphème (XVIᵉ-XVIIᵉ siècles)", *Revue de l'Église de France* 80 (1994), pp. 43-64, at p. 49.

[3]   G. SCHWERHOFF, *Zungen wie Schwerter: Blasphemie in Alteuropäischen Gesellschaften 1200-1650* (Constance, 2005), and D. NASH, "Analyzing the history of religious crime: Models of 'passive' and 'active' blasphemy since the medieval period", *Journal of Social History* 41 (2007), pp. 5-29, at p. 8.

[4]   LINDORFER, "*Peccatum linguae* and the punishment of speech violation", in particular pp. 24-25 and 33.

Lindorfer links this change to the invention of the art of printing and to cheaper books, which led to undesirable statements (for example, blasphemy) being much more easily written down and distributed.

Whether or not there has been a change in attitudes regarding harmful speech behaviour between the Middle Ages and the early modern period, research shows that the dangers of the tongue were still being written about in the early modern period. Carla Mazzio emphasises the literary focus on harmful speech behaviour in early modern Great Britain.[5] She presents this focus as a paradox compared to the seventeenth-century tendency toward literacy. Using as an example a theatre play from 1607, Thomas Tomkis' *Lingua, or the Combat of the Tongue and the Five Senses of Superiority*, she states that while 'the tongue' (the spoken word) in reality seems to go out of fashion in a time of literacy, that same tongue appears to be of more importance in literature. The present research concentrates on Middle Dutch in the period 1300-1550. Some Middle Dutch texts from *before* 1300 have been handed down, but the three domains chosen are not all represented. That is to say, relevant texts on harmful speech behaviour have been conserved from before 1300 in the secular-ethical field, but not in the ecclesiastical and judicial fields.[6] This would make it difficult to achieve a valid comparison between the three domains. Traditionally, researchers in the field of Middle Dutch language and literature speak of 'Middle Dutch' until the year 1550. However, the fact that this study looks only at the period before 1550 does not necessarily signify a caesura with the period after 1550 as regards to notions on harmful speech

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[5] See the picture in MAZZIO, "Sins of the tongue in early modern England", pp. 106-109. See also J. KAMENSKY, *Governing the Tongue: The Politics of Speech in Early New England* (New York and Oxford, 1997), for research into early modern notions on harmful speech behaviour in New England.

[6] A notable phenomenon before 1300, however, is the text collection of the Dutch author Jacob van Maerlant. For example, *Spieghel historiael* (*c.* 1285) contains an anthology of Seneca, in which there are passages about harmful speech behaviour. See *Spiegel historiael*, ed. F.P. VAN OOSTROM (Amsterdam, 1994: *Alfa, literaire teksten uit de Nederlanden*), pp. 61-67, e.g. ll. 82-93 about flattery and lying, and ll. 130-131 about "*ydel sijn in dine tale*" ("using idle chatter"), themes which also appear in chapter 4 of this book. In addition, see M.D. VELDHUIZEN, "*Die mont sprect dat int herte leit*", in: *Wijsheid komt met de jaren: Een carrière van vele kanten bekeken*, ed. S. VOOGD and L. VAN DER WIJDEN (Utrecht, 2005), pp. 37-42, on notions on harmful speech behaviour before 1300 in a narrative text, i.e. the Arthurian romance *Ferguut* (*c.* 1250), and R. SCHLUSEMANN, "'*Scone tael*': Zur Wirkmacht der Rede männlicher und weiblicher Figuren in der niederländischen und deutschen *Reynaert*-Epik", in: *Redeszenen in der mittelalterlichen Großepik: Komparatistische Perspektiven*, ed. M. UNZEITIG, N. MIEDEMA, and F. HUNDSNURSCHER (Berlin, 2011), pp. 293-310.

behaviour. It is quite possible that my findings have parallels with the period after 1550, but that will not be further investigated here.

2.3 The Three Domains

2.3.1 The Ecclesiastical Domain

In the first domain, the Dominican Guillelmus Peraldus, from Lyon, is a key figure. He is one of the most influential authors found within the ecclesiastical tradition on harmful speech behaviour. Peraldus was responsible for breaking the fixed classification of the seven deadly sins by adding an eighth. This eighth deadly sin consisted of all kinds of sinful forms of speech behaviour: the sins of the tongue. These are discussed in his work *Summa vitiorum* (Summa on the vices), written in 1236.[7] Peraldus' moral theological work, and with it the concept of the sins of the tongue, has been widely distributed. The text was adopted throughout Western Europe, in both Latin and in translations in the vernacular. His writing was reworked and adapted right up to the seventeenth century.[8] At the same time, it must be emphasised that Guillelmus Peraldus' classification of the sins of the tongue as the eighth deadly sin was not accepted unquestioningly. In some cases, the classification of seven deadly sins is maintained. For example, in the anonymous *De Lingua*, the sins of the tongue have become an element of the deadly sin of *gula*: gluttony in eating, drinking, and in speaking.[9] Next to the concept of Peraldus' sins of the tongue, there is also another important system of sins in which sins of the tongue have a prominent place. This is constructed by Alexander of Hales (*Summa Theologica*, 1250). He calls sinful speech behaviour the *peccata oris*, or 'sins of the mouth', and distinguishes twelve subcategories. Alexander of Hales'

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[7]   CASAGRANDE and VECCHIO, *Les péchés de la langue*, pp. 87-112. Between the years 1236 and 1239, Guillelmus Peraldus also wrote a treatise on the virtues, *De virtutibus*, but this work appears to have been much less popular (K. PANSTERS, *De kardinale deugden in de Lage Landen, 1200-1500* (Hilversum, 2007: *Middeleeuwse Studies en Bronnen* 108), pp. 88-89). Someone who was extremely important in the distribution of Peraldus' system (the sins of the tongue as the eighth deadly sin) was Vincentius of Beauvais; see CASAGRANDE and VECCHIO, *Les péchés de la langue*, p. 28.

[8]   CASAGRANDE and VECCHIO, *Les péchés de la langue*, pp. 87-112; G.I. BAIKA, *Lingua Indisciplinata: A Study of Transgressive Speech in the* Romance of the Rose *and the* Divine Comedy (Pittsburgh, 2007), pp. 17-27.

[9]   CASAGRANDE and VECCHIO, *Les péchés de la langue*, pp. 113-135.

peccata oris owe much to Augustine's *Contra Faustum*. Alexander of Hales also elaborates on the threefold division of human behaviour in thinking, speaking and acting, following Petrus Lombardus' *Sententiae*.[10]

The present study will focus on the concept of Peraldus' sins of the tongue, since it is a dominant factor in the ecclesiastical domain. The concept is rooted in an Augustinian semiotic. In *De ordine*, Augustine explains that speech is a gift from God, intended as messenger (*nuntius*) of reason. The power of speech expresses reason, giving people access to the thoughts of others.[11] Expressing how we feel about each other is the highest form of social interaction; it enables the construction of reliable and equitable institutions such as marriage, the court of law, and education.[12] This semiotic was an element of high medieval authoritative Latin writings within the ecclesiastical domain. They accentuate the idea that humans distinguish themselves from other creatures by means of the power of speech. According to Augustine, all creatures use signs, but only humans make use of language. In the order of all creatures, the power of speech is a distinctive characteristic of humans.[13] This places humans above animals. In *In libros politicorum Aristoteles expositio*, Thomas Aquinas states that human language differs from animal signs in that it is rational. Animals express themselves instinctively, humans rationally. According to him this adds an ethical dimension to language. Humans have knowledge of good and evil, and that knowledge can be expressed in language. If humans do not use language for these ethical objectives, they reduce themselves to the level of animals. High medieval Latin writings place humans below the angels. The power of speech distinguishes humans from angels, who have no need of language with which to express their inner selves. Angels have direct access to one another's innermost selves, and need no words to communicate their thoughts to each other.[14]

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[10] See LINDORFER, "*Peccatum linguae* and the punishment of speech violation", p. 29.

[11] See CRAUN, "Introduction", p. X: "It [Augustinian semiotics MV] defined speech as the messenger of reason, designed by God and early human communities to make the speaker's thoughts manifest to others and so to build trustworthy human institutions: courts of law, political assemblies, religious teaching, marriages".

[12] CRAUN, *Lies, Slander and Obscenity in Medieval English Literature*, p. 31. See also WACKERS, *De waarheid als leugen*, pp. 40-52, WACKERS, "Opvattingen over taal en taalgebruik", pp. 324-328, and CRAUN, *Lies, Slander and Obscenity in Medieval English Literature*, pp. 26-37.

[13] WACKERS, *De waarheid als leugen*, p. 49; WACKERS, "Opvattingen over taal en taalgebruik", p. 327; and CRAUN, *Lies, Slander and Obscenity in Medieval English Literature*, p. 33.

[14] WACKERS, *De waarheid als leugen*, p. 46. See also WACKERS, "Opvattingen over taal en taalgebruik", pp. 324-328, and on 'power of observation' (*intellectus* or *intelligentia*) also

The thirteenth-century moral theological concept of the sins of the tongue, with its key figure Peraldus, is embedded in the thirteenth-century 'ecclesiastical rearmament plan', as Frits van Oostrom characterises this development.[15] The Church expanded its power and focused on the pastoral care of the laity.[16] Since the Fourth Lateran Council of 1215, in the time of Pope Innocent III, the Church had striven towards more involvement on the part of the faithful. After the council, a great stream of moral theological works came into being, texts which offered advice to the faithful at confession and which were intended to show the way to a good Christian life here and in the afterlife. Much emphasis was also placed on sermons and confession. Jacques Le Goff points to the rise of the 'lay culture' in vernacular moral theological writings, which focused a great deal of attention on harmful speech behaviour. According to him, before the thirteenth century the focus had been on the speech behaviour of monks and nuns, while now the speech behaviour of and toward all Christians was coming to the fore.[17] The rise of heretical movements in the thirteenth century, such as the Albigensians, was a related historical development. These movements posed a serious problem for the Church, which did everything in its power to control heresy by means of crusades and inquisition, and also by 'the spoken word', in sermons and confession. In 1215, when the Dominican Order was founded, its chief task was to join forces with the Franciscans in their efforts to curb the heretic movements. The spoken word was the Dominicans' weapon of choice in the struggle against the heretics. Their academic schooling gave them the advantage in debates with heretics and infidels, and they put great emphasis on the importance of sermons, confession, and virtuous speech behaviour.[18]

There have been Middle Dutch moral theological (or 'pastoral') texts handed down which adhere to the tradition of Guillelmus Peraldus' sins of the tongue. It is therefore possible to compile a Middle Dutch text corpus which

P.W.M. WACKERS, *Met ogen van toen: Middeleeuwse kunst, schoonheid en wetenschap* (Nijmegen, 1980: *Tekst en tijd* 2), pp. 13-24.

[15] F.P. VAN OOSTROM, *Wereld in woorden: Geschiedenis van de Nederlandse literatuur 1300-1400* (Amsterdam, 2013), p. 179.

[16] SCHWERHOFF, "'*Blasphemare, dehonestare et maledicere Deum*'", p. 266.

[17] LE GOFF, "Préface", p. 15. See also LINDORFER, "*Peccatum linguae* and the punishment of speech violation", p. 31, and SCHWERHOFF, "'*Blasphemare, dehonestare et maledicere Deum*'", p. 266.

[18] LINDORFER, "*Peccatum linguae* and the punishment of speech violation", p. 30, and K. WIELANT, *Worte und Blut: Das männliche Selbst im Übergang zur Neuzeit* (Frankfurt am Main, 1998), p. 130.

represents the ecclesiastical domain as described above. There is, however, one reservation. In the Low Countries, the relation between the Middle Dutch pastoral texts and the developments regarding the ecclesiastical 'rearmament plan' has not yet been satisfactorily substantiated, since not enough research has been done in that area. However, far more research has been done on the Middle English pastoral texts, and there the relation has been demonstrated.[19]

2.3.2 The Secular-Ethical Domain

The key figure in the secular-ethical domain is Albertanus of Brescia. As early as 1245, this North Italian layman made use of Guillelmus Peraldus' concept of the sins of the tongue. Albertanus was a *causidicus*, meaning a lawyer, judge, or alderman.[20] He wrote a secular-ethical treatise on speech behaviour called *Ars loquendi et tacendi* (The art of speaking and keeping silent), also known by the title *De doctrina dicendi et tacendi* (On the doctrine of speaking and keeping silent), which was extremely popular, and was translated into the vernacular many times.[21] In this treatise, Albertanus presents speech as the basis of society and encourages the use of language ethics in the performance of, in particular, the judicial profession. This work can be characterised as a book of advice on speech behaviour that strives to combine being a good Christian with building an earthly existence. He not only warns against abuse of the power of speech, but also adapts his advice on speech behaviour to apply specifically to lay practice. He was the author of a previous work *De amore et dilectione Dei et proximi* ('On love and delight in God and in one's neighbour'), written after 1238. That work contains a chapter on speech behaviour: *De locutione et cohibendo spiritu et lingua cohercenda* or 'On speech, reining in the spirit and controlling the tongue'. According to the Albertanus specialist James M. Powell, *Ars loquendi et tacendi* was based on this chapter. Lastly, he wrote *Liber consolationis et consilii* ('The book of consolation and counsel') in 1246, also known as *De Melibeo et Prudentia* ('About Melibeus and Prudentia')*,* in which advice is given by Prudentia, the embodiment of

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[19] Van Oostrom, *Wereld in woorden*, pp. 180-181.
[20] Casagrande and Vecchio, *Les péchés de la langue*, p. 81.
[21] J.M. Powell, *Albertanus of Brescia: The Pursuit of Happiness in the Early Thirteenth Century* (Philadelphia, PA, 1992: *Middle Ages Series*), p. 60-66.

wisdom, who, within the frame of the narrative, is the wife of the wealthy Melibeus. Here, too, speech behaviour has a prominent place.

Albertanus of Brescia's texts can also be characterised as a series of quotations, especially from the biblical literature classified as wisdom literature and the ancient philosophers. He puts biblical and ancient knowledge into a practical framework and applies this to professional practice.[22] The oeuvre of Albertanus, and other works in this tradition, can be characterised as 'advice literature' or 'how-to-manuals' which contain recommendations about human interaction.[23] The author of the oeuvre and his intended public can be placed in the context of highly-educated young male professionals, with a background in law, and originally from the North Italian city-states, for Albertanus directed his efforts explicitly at his sons, as future leaders.[24] Powell typifies *Ars loquendi et tacendi* as a "career guide for the public man, especially the public man in the service of the Italian commune".[25] This group had need of direction better suited to the life of the secular layperson than to that which the Church had to offer. Both the maintenance and the stimulation of ethical interaction with the spoken word was important for civil servants, not least in order to enable them to be reliable councillors and advisers for the 'clients' and gentlemen they served. Their work was extremely language-based, both written and spoken. It was not so much breeding nor physical strength, but rather intelligence and language that gave them a certain power, and they had to learn to wield it in a responsible way.

Some Middle Dutch secular-ethical texts have been handed down which reflect the tradition of Albertanus of Brescia and his focus on speech behaviour. They include texts by the authors Jan van Boendale and Dirc Potter, who translated and adapted Albertanus' oeuvre. In addition, there are Middle Dutch how-to-manuals which are not direct translations or adaptations of Albertanus' work, but exhibit a similar characteristic construction of biblical quotations and / or quotations from ancient authorities, or which are translations or adaptations of works by one of those authorities. Just as in the case of works by the thirteenth-century key figure Albertanus, the Middle Dutch secular-ethical

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[22] Powell, *Albertanus of Brescia*, p. 69.

[23] Craun, "Introduction", p. xii.

[24] Casagrande and Vecchio, *Les péchés de la langue*, p. 14 and 81; Powell, *Albertanus of Brescia*, pp. 62-63; J. Reynaert, "Ethiek en 'filoofie' voor leken: De *Dietsche doctrinale*", in: *Wat is wijsheid?*, pp. 199-214, at p. 200; and Dumolyn and Haemers, "'A bad chicken was brooding'", p. 53.

[25] Powell, *Albertanus of Brescia*, p. 69.

works can be placed in the historical context of professionals with a background in law. From the late fourteenth century on, a group consisting mainly of civil servants was to come to power in the Low Countries.[26] In the literary history of the Low Countries *Wereld in woorden* (World in words)*,* Frits van Oostrom refers to Alberto Scaglione's characterisation "from courtly knights to noble courtiers". He places this transformation in the time of the Hundred Years' War and the Western Schism. Van Oostrom's profile of the civil servant as being extremely language-oriented, both in the written and spoken sense, is relevant to the theme of the present study. Being able to speak well and knowing when to keep silent was of great importance to a diplomat.[27]

The Middle Dutch Albertanian texts form part of the literary historical 'lay ethics' which emerged in the fourteenth century. These ethics were to meet a "need for orientation, on a pragmatic level, in the social context of the worldly lay person".[28] That need was born of a historical development of urbanisation, literacy, and technology in which urban society in particular had become increasingly more complex: matters of administration became more complicated, and the role of the intellectual professions grew.[29] In this changing society, the old norms and values no longer sufficed: a new foundation was needed, relevant to contemporary social life. No longer was breeding the most important factor in obtaining status, power, or trust. The aristocracy had to take urban interests into consideration, since the cities were places where money, trade, and knowledge were concentrated. A sensible, controlled approach to the world was characteristic of lay ethics. There is mention of stoic influences. Self-control, reasoning, the banning of emotions: these stoic values were central to lay ethics.[30]

One historical development which may be linked to the texts from the secular-ethical domain is the disappearance of the clan culture. It resulted in a diminishing of the importance of 'collective reputations' in, for example, the

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[26] Van Oostrom, *Wereld in woorden*, p. 476.

[27] *Ibid.*

[28] Reynaert, "*Alderhande proverbien vanden wisen Salomone*", in: *Klein kapitaal uit het handschrift-Van Hulthem: Zeventien teksten uit Hs. Brussel, K.B., 15.589-623*, ed. H. Van Dijk *et al.* (Hilversum, 1992: *Middeleeuwse Studies en Bronnen* 33), pp. 153-163, at p. 153, and D. Kinable, "Een wereldbeschouwelijke spiegel voor de leek: Codex Marshall 29", *Spiegel der letteren* 43 (2001), pp. 25-26.

[29] Wackers, "Opvattingen over spreken en zwijgen in het Middelnederlands", p. 328, and D. Kinable, "Lekenethiek in Boendales *Jans teesteye*", in: *Wat is wijsheid?*, pp. 181-198 and 411-415, at p. 198.

[30] J. Reynaert, "Ethiek en 'filosofie' voor leken", in: *Wat is wijsheid?*, p. 205.

county of Holland. People came to be increasingly detached from their fami-
lies, so that their reputations were based less and less on aspects of their 'collec-
tive reputations', and more on family ties and lineage.[31] Does the interest in
harmful speech behaviour come from this development? In this light, one might
wonder whether people increasingly based their image of others less on family
and lineage, and more on individual behaviour, including speech. What you say
is who you are in the eyes of others. However, this connection remains specula-
tive and requires follow-up historical research.

2.3.3 The Judicial Domain

There is no single key figure to be identified in the judicial domain. The
domain distinguishes itself by diversity in the area of notions on harmful
speech behaviour. There was quite simply no coherent late medieval system of
law in existence, partly due to the large-scale fragmentation of administration
at the end of the late Middle Ages.[32] In the Low Countries, too, there was no
coherent judicial domain to speak of. As a consequence, local and regional
Middle Dutch texts from the judicial domain distinguish themselves by their
great diversity. Almost every city had its own legislation, customs, and privi-
leges.[33] The results of the analysis are to be seen as exploratory only, since it
is impossible to identify a well-defined judicial domain on the basis of a key
figure. A specific type of criminal speech behaviour will be examined: defama-
tion. This crime is only considered in the context of regional and local law,
outside the Church. A court case from 1480 about defamation (a *plurade* as it
is called in the source) is central to the analysis (chapter 5). In this court case,
a landowner is condemned for defamation of his tenant. This court case took
place within the area of the Upper Quarter of Guelders, one of the four regions
of the Duchy of Guelders, to which belong both the Alderman's Court of the

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[31] P.C.M. HOPPENBROUWERS, "Maagschap en vriendschap: Een beschouwing over de
structuur en functies van verwantschapsbetrekkingen in het laat-middeleeuwse Holland", *Holland*
17 (1985), pp. 69-108, and ID., "Vengeance is ours? The involvement of kin in the settlement of
'cases of vengeance' in the Later Middle Ages", in: *Love, Marriage and Family Ties in the Later
Middle Ages*, ed. I. DAVIS, M. MÜLLER, and S. REES JONES (Turnhout, 2003: *International
Medieval Research* 11), pp. 241-275.
[32] R. LESAFFER, *Inleiding tot de Europese rechtsgeschiedenis* (Louvain, 2008), p. 252. Late
medieval law was, however, increasingly assessed against Roman law, and this led to more
cohesion.
[33] L.J.M. JANSSENS, *Strafbare belediging* (Groningen, 1998), p. 16.

town of Echt and the 'higher' Court of Roermond – these days situated mostly in the province of Limburg.

Although secular organisations in late medieval Western Europe had varying attitudes to defamation, it is possible to identify a trend. It was not unusual for a citizen to take another citizen to court in the case of a verbal conflict. From the second half of the fourteenth century, there was a change in the way verbal conflicts were dealt with: instead of citizens taking the law into their own hands, or leaving the matter to social control, such conflicts were increasingly brought before 'official' judicial institutions. Citizens were encouraged to seek justice through the official judicial channels.[34] This development can be demonstrated to have taken place in several European countries including Scotland, England and Spain.[35] For example, between 1400 and 1450, in England there is said to have been a noticeable amount of local attention paid, in a judicial sense, to women who publicly defamed or slandered fellow citizens and authority figures, i.e. 'scolds'. Their speech behaviour caused great upheaval in the community.[36] The graver categories of speech crimes in Western Europe, such as defamation of figures of authority (lèse-majesté being the most serious variant) and blasphemy (an attack on God's reputation) were both to fall increasingly under secular jurisdiction, in particular from the fifteenth century onwards.[37]

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[34] B. LENMAN and G. PARKER, "The state, the community and the criminal law in early modern Europe", in: *Crime and the Law: The Social History of Crime in Western Europe since 1500*, ed. V.A.C. GATTRELL, G. PARKER, and B. LENMAN (London, 1980), pp. 11-48, at p. 25. As early as the tenth century, judicial efforts were made in a number of European areas to contain feuds, and from the late twelfth century feuds were increasingly prosecuted by courts of law, in the first instance through canon law. Under the Habsburgs, the government tried, in the first half of the sixteenth century, to have a protocol on central (supralocal) customary justice drawn up. See also HOPPENBROUWERS, "Maagschap en vriendschap"; HOPPENBROUWERS, "Vengeance is ours?'; M. LE BAILLY, "Verbale belediging jegens het Hof van Holland", *Leidschrift* 12 (1996), pp. 37-53, at p. 38; and P. BURKE, "Insult and blasphemy in early modern Italy", in: ID., *The Historical Anthropology of Early Modern Italy*: *Essays on Perception and Communication* (Cambridge, 1987), pp. 95-109, pp. 246-247. Peter Burke places this development in the sixteenth century.

[35] Respectively E. EWAN, "'Tongue, you lied': The role of the tongue in rituals of public penance in late Medieval Scotland", in: *The Hands of the Tongue*, pp. 115-136; M. INGRAM, "Law, litigants and the construction of 'honour': Slander suits in early modern England", in: *The Moral World of the Law*, ed. P. CROSS (Cambridge, 2000: *Past and Present Publications*), pp. 134-160; and M. WEISSER, "Crime and punishment in early modern Spain", in: *Crime and the Law*, pp. 76-96.

[36] BARDSLEY, *Venomous Tongues*.

[37] J. HOAREAU-DODINAU, *Dieu et le roi: La répression du blasphème et de l'injure au roi*

Although the *plurade*-case from 1480 in Echt cannot unqualifiedly be seen to be representative of the Overkwartier, let alone of other areas, historians say that defamation cases occurred relatively frequently in the Low Countries in the late Middle Ages.[38] For example, Corien Glaudemans writes in her study of feuds in the Dutch provinces of Holland and Zeeland:

> Apparently, public cursing happened so often in Leiden that local civil servants and aldermen deemed it necessary, in 1395, to announce in the parish churches not once, but twice, that from then on, cursing in the presence of servants of the law was forbidden, or in the words of the Regulation: no "useless words" were allowed to be used.[39]

However, the case of the present research does not unconditionally fit in the supposed increase in defamation cases in the Low Countries. First, it is unclear whether this development is also relevant to defamation cases in which tenants

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à la fin du moyen âge (Limoges, 2002: *Cahiers de l'Institut d'Anthropologie Juridique de Limoges* 8), on lèse-majesté and blasphemy in late medieval France (1285-1574) from Philip IV to Charles IX, and LINDORFER, "*Peccatum linguae* and the punishment of speech violation", pp. 33-40.

   [38] See F. VAN EGMOND, "Erezaken: Rond een echtelijk conflict in het zestiende-eeuwse Haarlem", *Tijdschrift voor geschiedenis* 106 (1994), pp. 3-22, at pp. 18-19; M. LEUKER and H. ROODENBURG, "'*Die dan hare wyven laten afweyen*': Overspel, eer en schande in de zeventiende eeuw", in: *Soete minne en helsche boosheit: Seksuele voorstellingen in Nederland, 1300-1850*, ed. G. HEKMA and H. ROODENBURG (Nijmegen, 1988), pp. 61-84; and for defamation in extra-judicial institutions (notaries, guilds, etc.) in the Low Countries, see A. VAN MEETEREN, *Op hoop van akkoord: Instrumenteel forumgebruik bij geschilbeslechting in Leiden in de zeventiende eeuw* (Hilversum, 2006: *N.W. Posthumus reeks* 13). To the study of deviant speech in the Low Countries from a judicial point of view, important contributions were made by early modernists, with source material roughly from the beginning of the sixteenth century. Their studies concentrated particularly on defamation.

   [39] C. GLAUDEMANS, *Om die wrake wille: Eigenrichting, veten en verzoening in laat-mid-deleeuws Holland en Zeeland* (Hilversum, 2004: *Hollandse Studiën* 41), p. 124 (translated from the Dutch by Lizzie Kean). In her study of late medieval feuds in the Dutch provinces of Holland and Zeeland (1350-1550), Corien Glaudemans dedicates a paragraph to the prominence of defamation and blasphemy, in particular in political conflicts. See also M. VROLIJK, *Recht door gratie: Gratie bij doodslagen en andere delicten in Vlaanderen, Holland en Zeeland (1531-1567)* (Hilversum, 2004), p. 207, about the granting of pardons in Flanders, Holland and Zeeland 1531-1567: "Perhaps people disliked being defamed more then than nowadays. It was more common to go to court over matters of honour than it is these days" (translated from the Dutch by Lizzie Kean), and D.A. BERENTS, *Het werk van de vos: Samenleving en criminaliteit in de late middeleeuwen* (Zutphen, 1985), p. 107. In his survey of crime in the medieval northern Netherlands, Berents states that, although there are no concrete statistical arguments to prove it, defamation must have been one of the most frequently occurring crimes in the Middle Ages.

took their landlords to court. Secondly, no differentiation has been made between defamatory or slanderous expressions in court and in any other public place. It is moreover risky to speak of a 'prominent presence' of defamation cases, based on quantitative analyses.[40] It is difficult enough to compare the proportion of defamation cases between cities, never mind between larger areas. For example, the percentages of defamation cases mentioned by Berents in his study of crime in the late Middle Ages in the northern Netherlands are somewhat divergent. The percentage of defamation cases in Middelburg (criminal verdicts 1437-1571) is 2.1 percent, in Utrecht (1311-1455) 4.7 percent, and of the criminal cases for the area served by the High Court in Roermond (1459-1487) no less than 22.4 percent.[41] One cause for this may be that there are different categories of defamation in each jurisdiction, making comparison difficult.

The aforementioned increased judicial focus on harmful speech behaviour in Europe is associated by historians with the disasters which befell in particular in the fourteenth century. Examples are the plague of 1348 and the famine in 1315-1317. In subsequent decades, plague outbreaks continued, culminating in a large-scale epidemic around 1400. One third of the population of Europe died in the plague epidemic in the mid-fourteenth century. Schwerhoff quotes from the blasphemy law by the Roman-German emperor Maximilian I (son of Frederick III) in 1495, who during his reign was also territorial lord of the Low Countries while Philip the Fair was still under-age. In it, a connection is made between blasphemy and the remarkable amount of plagues and disasters of the previous years. In addition, Schwerhoff also quotes from the *Nördlicher Stadt-rechte* of 1503 and the *Chronik des Nürnbergers Heinrich Deichlser* of 1497, which both make the same connection.[42] A link was seen between blasphemy and punishments from above, a "*Verknüpfung von blasphemie und göttlicher Kollektivstrafe*".[43] Disasters were God's retribution, punishments for humans' blasphemous expressions. Blasphemy was regarded as a collective danger,

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[40] LENMAN and G. PARKER, "The state, the community and the criminal law in early modern Europe", pp. 46-47. See VAN MEETEREN, *Op hoop van akkoord*, p. 287, for numbers putting defamation cases in the seventeenth century into perspective.

[41] BERENTS, *Het werk van de vos*, pp. 195-197. This is without including crimes against the government (among others defamation and perjury) and religion (blasphemy). For purposes of comparison, Berents quotes numbers from modern times. The percentage of defamation cases in the Netherlands in 1982 was 1.2%.

[42] SCHWERHOFF, "'*Blasphemare, dehonestare et maledicere Deum*'", p. 266-268.

[43] SCHWERHOFF, "'*Blasphemare, dehonestare et maledicere Deum*'", p. 268.

against which the community had to be protected. This explains the judicial preoccupation with it. The historian David Nash calls this characteristic of the late Middle Ages. It seems that in early modern times blasphemy was seen much more as an act which formed a threat to another individual's feelings, and no longer to that of a collective.[44]

The judicial focus on defamation by the earlier mentioned scolds in late medieval England can be linked to a specific social group which came into existence after the outbreaks of the plague.[45] The group consisted of people who used the local authority as a springboard to achieve a higher status, for example, rich farming families that had profited from the high food prices after the plague outbreaks and wanted to expand their socio-economic role at a local level. The people in this 'new elite' took positions in local courts of law as a way of achieving the status they desired. They had to prove themselves and wanted to legitimise their power; their position was extremely uncertain, and any criticism of their position could destabilise their newly obtained status. The scolds formed a threat to this precarious social order and the equally precarious position of the new elite, and for that reason they were prosecuted.

2.4 Method

The objective is to compare notions from these three domains, and to find similarities which might point to a discourse on harmful speech behaviour, overarching the domains. The comparison will be made using language theory instruments. In this way, I hope to investigate not only whether such a discourse existed, but also how it functioned. I will moreover be focussing on the way in which the discourse is used, for example by looking at metaphors or categories. This makes it possible to find an answer to the two sub-questions of the main question: what are the ideas about harmful speech behaviour and how are these ideas developed? An analysis model will also be presented with which the specific texts will be investigated.

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[44] NASH, "Analyzing the history of religious crime".
[45] BARDSLEY, *Venomous Tongues*, p. 35.

2.4.1 Language Theory Instruments

The modern linguistic observations which form the conceptual basis for this study will first be explained below. These observations offer methodological possibilities on how to approach the subject of this study, and how to chart the notions on harmful speech behaviour. Which underlying principles can play a part in depicting harmful speech behaviour in the Middle Dutch corpus of this research? First, what is speaking? In our present-day language use, we apply expressions which demonstrate a different idea of speech, an idea based on the mechanical character of language. We speak, for example, of 'capturing our thoughts in simple words' or 'wrapping a message in sugar-coated words'. These sayings suggest we can shape thoughts with words. Speaking is the expression of thoughts in such a way as to communicate one's thoughts to another.[46] The producer encodes his thoughts or intentions, and the receiver subsequently decodes the message. Regarded in this way, verbal communication is a pneumatic dispatch system, in which the speaker puts his thoughts in a cylinder and sends them to the person being spoken to, who then 'opens' the cylinder and is able to access the speaker's thoughts. The linguist Michael J. Reddy calls this figurative expression of discussing verbal communication the 'conduit metaphor'.[47]

Linguists have heavily criticised regarding verbal communication with a conduit metaphor. Spoken words are open to interpretation. A speaker cannot assume that the recipient properly understands what he means. The recipient, in turn, can never be sure whether he has interpreted 'correctly' the message being sent. A recipient will never have exactly the same image in his mind as the speaker. In other words, the speaker's intention can never completely match the interpretation by the recipient. Verbal communication is like an improvised dance between the speaker and the recipient, requiring continuous alignment.[48] "Language is not a mechanical or ready-made means, neither for sending nor

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[46] T. JANSSEN, *Communiceren: Over taal en taalgebruik* (The Hague, 1997), p. 29.

[47] M.J. REDDY, "The conduit metaphor: A case of frame conflict in our language about language", in: *Metaphor and Thought*, ed. A. ORTONY (Cambridge, 1979), pp. 284-324. The Shannon-Weaver model (1948) uses a similar view of communication.

[48] According to Reddy, a better metaphor for verbal communication than the conduit metaphor might be the toolmaker's metaphor. Spoken expressions are like design graphs, they contain gaps and require interpretation. You can never be sure what the maker of the design graph means exactly. See REDDY, "The conduit metaphor".

receiving".[49] This is an important underlying principle for the present research into notions on harmful speech behaviour. Indeed, since words are not a "mechanical or ready-made means" of transmitting information, it is possible to lie, swear falsely or flatter insincerely. A lot can go wrong, sometimes deliberately, during the 'encoding' of the intention at the production side, as it can at the 'decoding' of messages at the reception side.

Also important for the analysis of notions on harmful speech behaviour is the speech act theory by John L. Austin and John R. Searle.[50] These researchers form a part of the tradition of ordinary language philosophy.[51] Austin focuses attention on what words can do, instead of what words express. If language consists of more than the transmitting of ready-made information, then speaking cannot be reduced to mere expression of 'content'. Speaking goes further than a mere reference to content. Words can cause an extra-verbal effect on the person being spoken to. Austin uses the term 'performance' for this. Performative expressions of language are expressions which have an effect on reality. An example of this is the sentence: "I promise I will come round tomorrow". By saying these words, the speaker has done something, he has made a promise. Austin states that with every linguistic expression made, we can perform three different actions: a locutionary, an illocutionary and a perlocutionary act. In a locutionary act, the speaker is 'saying something', as in for example the phrasing and speaking of the sentence "I promise I will come round tomorrow". The illocutionary act is the meaning of the words, the propositional content. In this example, making a promise.

For the analysis of notions on late medieval speech behaviour, the 'perlocutionary effect' of certain spoken words is of particular importance. This is the effect that the expression has on the cognition of the recipient being spoken to. In this case, the recipient is counting on the arrival of the speaker.[52] 'Threatening' is an example of a potentially harmful performative speech act. One person threatens another, resulting in the other person feeling intimidated. Threatening is the illocutionary act (performed by the speaker), and being intimidated is the perlocutionary effect. In order to identify perlocutionary effects, words must meet certain criteria, and John R. Searle has elaborated on these in his influential book *Speech Acts* from 1969. He calls them the 'sincerity con-

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[49] JANSSEN, *Communiceren*, p. 32 (translated from the Dutch by Lizzie Kean).
[50] AUSTIN, *How to Do Things with Words*, and SEARLE, *Speech Acts.*
[51] HOUTKOOP and KOOLE, *Taal in* actie, p. 19.
[52] HOUTKOOP and KOOLE, *Taal in* actie, p. 22.

ditions'. In the case of making a promise, for example, it is necessary that the speaker fully intends to fulfil the promise. Another criterion is called the 'essential condition'. This means that the speaker is bound to fulfil the promise.[53] A disadvantage of the speech act theory is, that is does not take the unintentional effects of speech act into consideration. According to Austin and Searle, the perlocutionary effect of threatening words is that the recipient being spoken to feels threatened. However, the recipient does not have to feel threatened. He or she might not take the threat seriously, for example, and, on the contrary, be amused by it. The theory does not take into account the interpretation by the recipient and the way in which this interpretation occurs. There should be a focus not only on the effect aimed for by the speaker, but also the actual effect of the words on the recipient.[54] Words can be harmful even when that was not the intention. A person may feel hurt by an expression, although that was never the speaker's intention. In this respect, the following notes form a supplement to the speech act theory.

The following linguistic models focus on the interaction between the conversational partners and the special role of the receiver: the cooperative principles of Paul Grice and the face-work strategies of Ervin Goffman and Penelope Brown in collaboration with Stephen C. Levinson. They work on the premise that conversational partners take certain 'rules of the game' into consideration during a verbal interaction. They can choose how they wish to apply these rules, but are simultaneously bound by their culture and existing norms. According to the ordinary language philosopher Paul Grice, people apply certain basic rules which give meaning to spoken expressions. Grice calls these basic rules the 'cooperative principle'.[55] Grice has divided this principle into four 'maxims'. The first is the maxim of quantity, in which the speaker is expected to provide sufficient information in the conversation without the use of unnecessary words. One should express oneself as efficiently as possible. By using a torrent of words, for example, a speaker contravenes the maxim of quantity.

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[53] SEARLE, *Speech Acts.*
[54] See also F. LOETZ, *Dealings with God: From Blasphemers in Early Modern Zurich to a Cultural History of Religiousness*, translation of *Mit Gott handeln: Von der Zürcher Gotteslästerern der Frühen Neuzeit zu einer Kulturgeschichte des religiösen* (Göttingen, 2002), trans. R. STELLE (Farnham, 2009: *St Andrews Studies in Reformation History*), pp. 37-38, for a consideration of the possible use of the speech act theory as an analysis model for early modern notions on blasphemy.
[55] H.P. GRICE, "Logic and conversation", in: *Syntax and Semantics*, ed. P. COLE and J. MORGAN, 3 (New York, 1975), pp. 41-58.

The second maxim is that where the person being spoken to assumes that the speaker is acting sincerely. Grice calls this the maxim of quality. By lying, a speaker breaches the maxim of quality. Grice further distinguishes the maxim of manner: be clear and unambiguous in conversations. The final one is the maxim of relevance: contributions to a conversation should be of value to its continuation. Grice states that the importance of the four maxims differs according to period and culture.

Grice draws a moral line between the maxim of quality (speaking sincerely) and the other three means that act as cooperative principles. Breaching the maxims of quantity, relation, and manner can happen because of negligence. Breaching the maxim of quality, on the other hand, for example by lying, is a moral contravention. This would imply that a breach of the maxim of quality is more substantial than other breaches. So lying would be a more serious offence than endless idle chatter. Grice maintains that this is the case nowadays.

Grice's theory has had a great impact on the discipline of pragmatism, where his theory has been further elaborated upon and nuanced by Dan Sperber and Deirde Wilson.[56] An apparently clear breach of one of Grice's maxims may not be a breach at all, when seen from another point of view. A lawyer could provide too much information, seen from the perspective of someone who knows nothing about the law. However, from a judicial point of view this could be perfectly admissible, given that a lawyer must be careful to cover all bases to avoid litigation.[57] There are other complicating factors in the notion of the 'cooperative principle'. For example, people sometimes deliberately contravene Grice's maxim in order to express themselves less efficiently or insincerely, being less clear or relevant than required by the maxims. A speaker might consciously choose to tell a white lie rather than blurt out the truth. According to the socio-psychologist Ervin Goffman, conversational partners do that in order to meet the need for face-saving as a politeness strategy.[58] Here, the word 'face-saving' means the maintaining or enhancing of the reputation of the conversational partner and / or the speaker himself. Grice's maxim of quality (sincere speech) is less important in this case than saving the 'face' of the person being spoken to. According to Grice, conversational partners are, ide-

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[56] JANSSEN, *Communiceren*, p. 97.

[57] Example taken from D.H. Lammers, quoted through JANSSENS, *Strafbare belediging*, pp. 92-93.

[58] E. GOFFMAN, "On face-work: An analysis of ritual elements in social interaction", *Psychiatry* 18 (1955), pp. 213-231.

ally, focussed not only on how to express themselves as efficiently, sincerely, clearly and relevantly as possible, but also on the effects on their 'face'. Initially, a person will focus on the face-saving of his or her conversational partner, but still take their own 'face' into consideration. These two theories are often combined in studies on language proficiency.

Goffman's theory on face-work has been elaborated on, in particular, by Penelope Brown and Stephen C. Levinson.[59] Brown and Levinson call certain speech acts 'face-threatening acts'. This potential loss of face relates in the first instance to the person being spoken to, but can subsequently relate to the speaker too, in the case of certain face-threatening reactions from his conversational partner (for example when a lie is revealed).[60] Brown and Levinson distinguish two types of face-saving in a speech situation: on the one hand, the desire to protect the face of the conversational partner and avoid loss of face, on the other hand the desire to enhance the conversational partner's face. Critical remarks, for example, can embarrass someone, potentially causing loss of face, which is why criticism is often presented in a roundabout way: 'on the one hand, you are doing well, on the other hand ...'. The person criticising is also in danger of losing face. The recipient can reject the criticism. Such a rejection is often wrapped in reasons: 'I understand your criticism, but ...'. Brown and Levinson call the need to avoid loss of face on the part of the recipient (and possibly also the speaker) the need for a 'negative face'. The desire to enhance a good reputation is called the need for a 'positive face'. One example of contributing to someone's positive face might be giving a compliment. By complimenting someone, a person displays "sharing the norms and values, the ideas and the value judgements of the other person".[61]

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[59] P. BROWN and S.C. LEVINSON, "Universals in language use: Politeness phenomena", in: *Questions and Politeness*, ed. E.N. GOODY (Cambridge, 1987), pp. 56-311. See also G.N. LEECH, *Principles of Pragmatics* (London, 1983: *Longman Linguistics Library* 30), and R. LAKOFF, "What you can do with words: Politeness, pragmatics and performatives", in: *Proceedings of the Texas Conference on Performatives, Presuppositions and Implicatures* (Arlington, 1977), pp. 79-106.

[60] D. VINCENT, M. LAFOREST, and A. BERGERON, "Lies, rebukes and social norms: On the unspeakable in interactions with health-care professionals", *Discourse Studies* 9 (2007), pp. 226-245.

[61] JANSSEN, *Communiceren*, p. 99 (translated from the Dutch by Lizzie Kean). See *Understanding Historical (Im)politeness: Relational Linguistic Practice over Time and Across Cultures*, ed. M. BAX and D.Z. KÁDÁR (Amsterdam and Philadelphia, 2012), on the use of 'politeness theories' in order to analyse historic ideas on politeness, and M P.M. MCCONEGHY, "Women's speech and silence in Hartmann von Aue's *Erec*", *Publications of the Modern Language Association of America* 102 (1987), pp. 772-783, for an application of Brown and Levinson on

This theory also requires some comments. There are factors involved which complicate the idea of face-saving. Whether a compliment results in a 'positive face' effect is dependent on the context of the expression, such as the social status of the conversational partners in relation to each other. When a compliment is paid, the social status of the speaker in relation to that of the recipient is relevant: should the receiver of the compliment be of a higher social status than the giver, he may experience the compliment as being somewhat arrogant in nature, or regard it as undesirable flattery. Instead of having a 'positive face' effect, this causes a face-threatening effect, since the recipient is being publicly judged, or because others might feel he is sensitive to flattery.[62] It is therefore important to take into consideration variables such as social status.

Other linguistic principles, in addition to the cooperative principles, which may play a role in the construction of harmful speech behaviour in the corpus, are for example the direct verbal and non-verbal context.[63] Hymes states that words must be seen in their direct context, their 'speech situation'.[64] In the variables of a speech situation in his SPEAKING-model, he distinguishes the place, the participants and the moment. For example, the specific speech situation for a conviction is relevant. In the Netherlands, at the present time, only a judge can convict someone during a court session. Should someone other than the judge speak the same words, there will be no conviction. In terms of the speech act theory, no perlocutionary effect will be reached.[65] The manner in which words are expressed can also be relevant. Speech acts within an institutional framework often have a formulaic character. They require being spoken according to a fixed order, and with a grave undertone.[66] For there to be an occurrence of perjury, certain words have to have been spoken according to a fixed formula in a specific setting (a court of law).

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women's speech behaviour in medieval times.

[62] JANSSEN, *Communiceren*, p. 99.

[63] HOUTKOOP and KOOLE, *Taal in* actie, p. 47.

[64] The individual letters of the word 'SPEAKING' form the first letters of the variables which, according to Hymes, are relevant in a speech situation: *Setting and scene (*physical setting and interpretation of the situation), *Participants, Ends* (aims of communication), *Act sequence* (form and content of communication), *Key* (tone or style), *Instrumentalities* (communication channels), *Norms for interaction and interpretation* (norms: for example, who is allowed to speak and when), and *Genre* (specific oral or written genres).

[65] JANSSEN, *Communiceren*, p. 86-87.

[66] JANSSEN, *Communiceren*, p. 87 (translated from the Dutch by Lizzie Kean).

Other important variables for the study could be the gender, age, and socio-cultural and professional backgrounds of the conversational partners. What is, for example, the social power distance between speaker and recipient, and / or are they acquainted? And what is the social relation between speaker and recipient?[67] Whether or not an expression of speech is harmful, depends on a variety of factors in a speech situation.

In the research of notions on harmful speech behaviour in the late Middle Ages, the above-mentioned linguistic observations are used to approach the sources. There will be an examination of how these kinds of notions were treated in the corpus. The following elements are important for the approach of the late medieval discourse on harmful speech behaviour:

1. "Language is not a mechanical or ready-made means, neither for sending nor receiving".[68] Speaking is more than simply the transmitting and receiving of messages, it is subject to interpretation. That contains an uncertain factor: the recipient does not know what the actual thoughts of the speaker are, and the speaker does not know how the recipient has interpreted his message.

2. Speaking is a form of doing (Austin and Searle's speech act theory). The spoken word can lead to harmful effects outside of language. In the analysis of notions on harmful speech behaviour in the Middle Dutch corpus, we will look at whether there is a focus on the effects of the spoken word in reality, and how that takes place.

3. The extent to which words have a harmful effect is dependent on a number of elements. Conversational partners adhere to certain principles during speech situations and mutually expect the other to adhere to the same principles. One should express oneself as efficiently, sincerely, clearly and relevantly as possible in a conversation (Grice).

4. Any specific harmful impact of the spoken word has a negative effect on someone's 'face'. Speech acts can have face-threatening effects on the conversational partner or the speaker himself. These speech acts are called 'face-threatening acts' (Goffman; Brown and Levinson). Participants in a conversation are involved with saving face, first that of their conversational partner, and secondly their own.

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[67] JANSSEN, *Communiceren*, p. 175.
[68] JANSSEN, *Communiceren*, p. 32.

5. In addition to the cooperative principles and face-saving, the specific 'speech situa-
    tion' (the direct verbal context) plays a part in the interpretation of harmful speech
    acts, such as the place, the moment and the conversational partners' intentions
    (Dell Hymes). Important variables can be: gender, age, and the hierarchical relation
    between the conversational partners.

To what extent can the linguistic insights of this paragraph be used to answer
these questions about late medieval notions on harmful speech behaviour?
Which factors should be taken into consideration when approaching a late
medieval corpus with these modern ideas on language use? First, it is necessary
to take into consideration the factor of 'time' and differences in culture. The
importance of the cooperative principles, the need for face-saving, and the
relation between the two are universal, but the manner in, and the extent to
which, the principles are applied, are bound by time and culture. The value of
the cooperative principles and face-work will differ in certain respects in the
late Middle Ages compared to current Western values. The variables of a
speech situation can also play a different role in other times and cultures.[69] The
harmful potential of the spoken word is not only dependent on the direct con-
text of words, place and moment, but also on historical context.[70] In their politi-
cal historical research into subversive behaviour in late medieval Flemish
towns, Dumolyn and Haemers also use the Hymes variables, but make a plea
not only for the concrete speech situation, but also for the underlying political
interests to be taken into account.[71] In the present study, the variables of the
speech situation will be analysed and the interfaces with the historical context
as described by historians (chapter 6) will be examined.

In addition, this study is based on the assumption that speaking is not only
a social act (in the sense that it influences the relation between people), but
also a form of religious acts: speaking can also influence the relation between
man and God. In the late medieval framework, the relation between God and
man is important for man's spiritual welfare. The observations of the linguists
only affect speech situations from person to person, and take no account of
God as a conversational partner, something which must be taken into account

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[69] JANSSEN, *Communiceren*, p. 105.
[70] DUMOLYN and HAEMERS, "'A bad chicken was brooding'", p. 50, and P. BURKE, *The Art
of Conversation* (Cambridge, 1993), pp. 5 and 15. Jan Dumolyn and Jelle Haemers use Mikhail
Bakhtin's concept of 'heteroglossia' to reason that historical sources on verbal speech behaviour
need to be placed in their historical context.
[71] DUMOLYN and HAEMERS, "'A bad chicken was brooding'", p. 48.

in the corpus of this research. For this reason, a variant on Brown and Levinson's term 'face-threatening acts' will be introduced to emphasise the effect of words on spiritual welfare: 'grace-threatening acts'. The first term relates to the threat to someone's 'face' as a result of a speech act, the second relates to the threat to someone's spiritual welfare. Moreover, two extra things will be included in the analysis which are not addressed by Austin and Searle, Grice, or Goffman. Usually two roles are distinguished in a speech situation: the speaker and recipient (or transmitter and receiver). The subject, however, is also relevant to the analysis, in the sense of the person or persons who are the subject of that conversation. They too can suffer damage from words, for example as a result of slander. Any possible harmful effects on subjects are also taken into consideration in the analysis of harmful speech behaviour in the Middle Dutch text corpus.

Based on the language theories discussed above, the following sub-questions can be asked in the research into Middle Dutch notions on harmful speech behaviour:

1. What, according to the Middle Dutch ecclesiastical, secular-ethical and judicial texts, are the harmful effects of certain words, and to whom do they apply? Have any of Grice's maxims been breached?

2. To what extent do face- and grace-threatening acts play a part in the late medieval notions on harmful speech behaviour?

3. Which elements of the speech situation (gender, social status, age, civil status, relation to conversational partner, etc.) are relevant in the construction of harmful speech behaviour in the Middle Dutch texts from the ecclesiastical, secular-ethical and judicial domains?

These language-theoretical questions are relevant for the discovery of overarching descriptions of harmful speech behaviour in the three domains. They define for the structure of the following three chapters.

2.4.2 Framing Notions on Destructive Speech Behaviour

How are the notions on harmful speech behaviour framed?[72] First, special attention is paid to the use of metaphors in the texts of the corpus.[73] Which metaphors are used to convince the public of the dangers of the tongue? According to the linguist George Lakoff and the philosopher Mark Johnson in their book *Metaphors We Live By*, metaphors are a means of understanding the world around us. Man sees himself as a container, holding all manner of things, including words and thoughts.[74] Man's skin forms the outer boundary of the container. Things can enter and leave the container, transferring themselves from inside to outside and vice versa. Man also sees his fellow man as a container. The analysis will show that these and other metaphors are used in the texts from the corpus. The focus is moreover on binary oppositions, that is to say "a set of two terms placed exactly opposite to each other and defined as contrasting". The first term is often "privileged above the second term, as the standard".[75] There will be an investigation into whether there is a binary opposition between 'acts' and 'words'.

Finally, there are the categories of harmful speech behaviour, which distinguish the texts important to the manner in which the images are shaped. Certain forms of speech behaviour can be more or less of a central element of a category. For example, in the category 'lie', a 'white lie' is less characteristic of that category, while a 'lie for personal gain' can be seen as a very representative example. This approach is known as the 'prototype theory'.[76] This method takes into consideration the idea that a category has certain degrees and no

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[72] G. LAKOFF, *Don't Think of an Elephant: Know Your Values and Frame the Debate* (White Riverjunction, 2004), p. XV: "Frames are mental constructions that shape the way we see the world".

[73] The definition of a metaphor according to BRILLENBURG WURTH and RIGNEY, *Het leven van teksten*, p. 409: "trope ['ordinary' expression replaced] which uses an image, word or phrase (vehicle / source) to indicate something else (tenor / target). This gives rise to an implicit comparison" (translated from the Dutch by Lizzy Kean).

[74] G. LAKOFF and M. JOHNSON, *Metaphors We Live By* (Chicago and London, 1980), p. 29. See also H. NIJDAM, *Lichaam, eer en recht in middeleeuws Friesland:Een studie naar de Oudfriese boeteregisters* (Hilversum, 2008: *Middeleeuwse Studies en Bronnen* 114), p. 47.

[75] BRILLENBURG WURTH and RIGNEY, *Het leven van teksten*, p. 397, see also p. 285.

[76] E.H. ROSCH, "Natural categories", in: *Cognitive Psychology* 4 (1973), pp. 328-350, and JANSSEN, *Communiceren*, pp. 52-53. See also NIJDAM, *Lichaam, eer en recht in middeleeuws Friesland*, p. 29. For a plea for a prototypical approach to the subject of the lie: see J. BLOOM-QUIST, "Lying, cheating, and stealing: A study of categorical misdeeds", *Journal of Pragmatics* 42 (2010), pp. 1595-1605.

fixed boundaries. The assumption is that metaphors, binary oppositions, and categories not only represent certain ideas, but also fuel them. They can be seen as 'conceptual templates', which make it possible to understand abstract elements in the world.[77]

2.4.3 Analysis Model for Each Text

In order to operationalise the insights discussed in the analysis of specific texts, they will be analysed on the basis of a 'fixed' analysis model. The texts will be compared with each other on the same points, both within the domain and between the domains. The analysis model functions as a template, as it were, that is laid on each primary text. The elements referred to above have been incorporated into the analysis model (see Appendix 1). The language theory ideas are used to look at the question, which images of harmful speech behaviour exist. The ideas on metaphors, binary oppositions, and categories are used to investigate how the images are shaped. There will be a systematic ex-amination consisting of:

1. a description of the work (information about the text, author, date, localisation, genre and medium);

2. an analysis of ideas on harmful speech acts: what, why, who is involved (speaker, subject, recipient, bystanders), and how are they represented?

3. an interpretation (associations within the text, associations with other texts, and as-sociations between domains).

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[77] LAKOFF and JOHNSON, *Metaphors We Live By*; G. LAKOFF and M. JOHNSON, *Philosophy in the Flesh: The Embodied Mind and its Challenge to Western Thought* (New York, 1999); and LAKOFF, *Don't Think of an Elephant*. See NIJDAM, *Lichaam, eer en recht in middeleeuws Friesland*, pp. 28-29, and p. 47 for an application to the field of medieval studies of the above-mentioned works. For an introduction to the work by Lakoff and Johnson, and an application of that work to present-day Dutch politics, see K J. KUITENBROUWER, *De woorden van Wilders en hoe ze werken* (Amsterdam, 2010), in particular pp. 47-52 (metaphors) and 69-81 (framing). Thanks are due to Han Nijdam for the reference.

Chapter 3

Sinful Words:
Notions on Harmful Speech
in the Ecclesiastical Domain

3.1 Introduction

In moral theological texts, harmful speech behaviour is often referred to as the "sins of the tongue". The widely distributed *Summa vitiorum* (1236, Summa of vices), by the Dominican Guillelmus Peraldus (*c.* 1200-1271) of Lyon, even regards this category as the eighth deadly sin, next to the usual number of seven deadly sins.[1] By way of an analysis of notions on the sins of the tongue in Middle Dutch texts, this chapter highlights the first domain of the three-tiered approach: 'sinful words' (ecclesiastical domain), 'improper words' (secular-ethical domain) and 'criminal words' (judicial domain). The analysis will be based on five moral theological works. Three of them owe much to Peraldus' work and also discuss a group of sins of the tongue. The Middle Dutch rhyming variant of *Spiegel der sonden*, the prose version of the same work, and *Des coninx summe* are, as far as is known, the only Middle Dutch moral theological texts which present the sins of the tongue as a separate category within the system of the deadly sins and as a coherent concept.[2] In addi

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[1] See P. BANGE, *Moraliteyt saelt wesen: Het laat-middeleeuwse moralistische discours in de Nederlanden* (Hilversum, 2007: *Middeleeuwse Studies en Bronnen* 99), pp. 64-111, on the seven deadly sins in Middle Dutch. The seven sins are: *superbia* ('pride'), *ira* ('wrath'), *invidia* ('envy'), *gula* ('gluttony'), *luxuria* ('lust'), *avaricia* ('avarice') and *acedia* ('sloth').

[2] See also M.D. VELDHUIZEN, "'*Tong breect been*': The sins of the tongue in Middle Dutch

tion, two moral theological works will be included in the analysis which do not treat the sins of the tongue as a separate category, but rather as being distributed among the seven deadly sins: *Cancellierboeck* and *Tafel vanden kersten ghelove*. The construction of the sins of the tongue will be investigated on the basis of these five texts. This chapter will be guided by the following questions. What are the harmful effects of the sins of the tongue, and how are they described? Which, if any, maxims are breached in that process? To what extent is harmful speech behaviour presented as grace-threatening acts (threats to the soul) and face-threatening acts (threats to the reputation) and for whom? Which variables are relevant to the speech situation?

3.2 Corpus

The corpus consists of a selection of Middle Dutch moral theological works which were intended to prepare lay people for confession. As mentioned in the introduction, it was decreed during the Fourth Lateran Council that every believer should go to confession at least once a year.[3] There was a great need for pastoral instruction, to prepare lay people and the clergy for confession.[4] Middle Dutch moral theological works often have the nature of a complete package, a *summa*, containing all the knowledge a priest needs to impart to his

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pastoral literature", *Journal of Dutch Literature* 6 (2015), pp. 38-49.

[3]   K.C. LITTLE, *Confession and Resistance: Defining the Self in Late Medieval England* (Notre Dame, IN, 2006), pp. 50-51.

[4]   J. SHAW, "The influence of canonical and episcopal reform on popular books of instruction", in: *The Popular Literature of Medieval England*, ed. T.J. HEFFERNAN (Knoxville, 1985), pp. 44-49, and S. WENZEL, *Latin Sermon Collections from Later Medieval England: Orthodox Preaching in the Age of Wyclif* (Cambridge, 2005), p. 235. See also R. NEWHAUSER, *The Treatise on Vices and Virtues in Latin and the Vernacular* (Turnhout, 1993: *Typologie des source du Moyen Âge occidental* 68), p. 197, and CASAGRANDE and VECCHIO, *Les péchés de la langue*, pp. 10-11. On *pastoralia* in general, see also H. COOPER, *Pastoral: Mediaeval into Renaissance* (Ipswich and Totowa, 1977). For more on terms related to *pastoralia* in Middle Dutch, such as 'catechismal literature' and 'moral theology' (including the difference between the two terms), see A. TROELSTRA, *Stof en methode der catechese in Nederland vóór de reformatie* (Groningen, 1903); G. WARNAR, "Biecht, gebod en zonde: Middelnederlandse moraaltheologie voor de wereldlijke leek", in: *Boeken voor de eeuwigheid*: *Middelnederlands geestelijk proza*, ed. Th. MERTENS (Amsterdam, 1993: *Nederlandse literatuur en cultuur in de middeleeuwen* 8), pp. 36-51 and 372-380, at pp. 36-39 (and the literature mentioned there); and Th. MERTENS, "Boeken voor de eeuwigheid: Ter inleiding", in: *Boeken voor de eeuwigheid*, pp. 8-35 and 361-372, at pp. 13-16 and 26.

congregation. These works are also adapted for practical use, and seldom merely abstract theological presentations. Much attention is paid to the layperson's daily life, and the specific problems and situations he faces.[5] This practical nature can be seen, for example, in the endless lists these *summae* contain. These lists can be regarded as checklists which the believer can use to assess his behaviour. The most important sources are the Old Testament wisdom literature (such as Proverbs, Ecclesiastes and Ecclesiasticus), but also pagan authorities on wisdom are quoted.[6] The categories have been meticulously subdivided, and the accompanying penances are described precisely. The instruction requires precision, since the consequences for the believers were significant. These texts are about establishing appropriate atonement, in order to restore relations between man and God. The damage done to the sinner's soul must be repaired.[7] In the case of a deadly sin, spiritual welfare can only be safeguarded when the sinner confesses to a priest, who then absolves his sins.

The first two works discussed are *Spiegel der sonden* (Mirror of sins) in rhyme (fourteenth century) and in prose (fifteenth century). These Middle Dutch texts are adaptations of Guillelmus Peraldus' *Summa vitiorum* (1236). The editor is an as yet unidentified clergyman. The rhyming version of *Spiegel der sonden* is aimed rather at a lay public than at the more or less educated clergy, as is made clear in the adaptation of Peraldus' source text. The editor has omitted passages referring to the clergy, such as grumbling in the cloister, for example, and "he applied the sins of the tongue entirely to the world", as the literary historian Frits van Oostrom outlines in *Wereld in woorden*.[8] The exemplary tales are described in more detail than in *Summa vitiorum* and contain a noticeably large amount of "merchant's sins".[9] Both versions of *Spiegel der sonden* discuss fourteen different sins of the tongue. The sins in the rhym-

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[5] WARNAR, "Biecht, gebod en zonde: Middelnederlandse moraaltheologie voor de wereldlijke leek", p. 39.

[6] R.M. KARRAS, *Common Women: Prostitution and Sexuality in Medieval England* (Oxford, 1996), pp. 104-105. See the example in *Spiegel der sonden* (rhyming version), l. 16056 (Tullius = Cicero) and l. 16095 (Seneca).

[7] This chapter does not go into detail about the restoration, or not, of possible damage to one's fellow man, but it was something the Church definitely required of the sinner. In CASAGRANDE and VECCHIO, *Les péchés de la langue*, p. 249, it is said that the slanderer not only had to confess, but also had to make public what he had done. Moreover, he had to compensate any damage done. This form of 'social penitence' is dealt with in chapter 5, on sinful words, but from a secular-judicial perspective.

[8] VAN OOSTROM, *Wereld in woorden*, p. 194.

[9] VAN OOSTROM, *Wereld in woorden*, pp. 194-195.

ing version are: *blasphemie* ('blasphemy'), *mormeriren* ('grumbling'), *ontschuldigen die zonde vor Gode* ('justifying sins before God'), *sweren* and *versweren* ('cursing' and 'uttering improper oaths'), *lieghen* and *orcontschap valsch dragen* ('lying' and 'bearing false testimony'), *verradenisse* ('treachery', 'giving away secrets'), *smeken* ('flattery'), *vloken* ('squabbling'), *schertsen* ('mockery'), *quaet raed gheven* ('giving bad advice'), *twidracht zeyen* ('incitement to discord'), *roem* ('bragging'), *lachen* ('laughing'), and *swighen* ('keeping silent'). The prose version lists the sins in a different order and add an extra sin of the tongue, that of *voel te spreken* ('uncontrolled speech'). Two specific sins of the tongue, 'justifying sins in front of God' and 'treachery', only appear in the rhyming version of *Spiegel der sonden*.[10] As well as these fourteen headings, both versions highlight the danger of the speaking tongue in general and offer remedies for sins of the tongue.[11]

In *Des coninx summe* (King's *summa*), written in 1408, the sins of the tongue are featured prominently in the system of the deadly sins, just as in *Spiegel der sonden* (both the rhyming and prose versions). *Des coninx summe* is an adaptation of *Somme le Roi* (1279) by Laurent d'Orleans (*c.* 1220-*c.* 1300), the Dominican confessor to King Philip III of France.[12] *Somme le Roi* in

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[10] See Appendix 2 for a list of the fourteen sins of the tongue in *Spiegel der sonden* (rhyming and prose version). For a description of *Spiegel der sonden,* see BANGE, *Moraliteyt saelt wesen*, pp. 232-233. The rhyming version is incomplete, i.e. the first five reasons for reining in the tongue are missing. Moreover, the editor, Verdam, has adapted the Middle Low German text and made it into Middle Dutch. This transformation has had no significant consequences for the content of the text, as far as I have been able to ascertain; however, strictly speaking, the rhyming text of *Spiegel der sonden* cited in this chapter does not exist.

[11] *Spiegel der sonden* (rhyming and prose version) adheres to the same main structure (a call for vigilance against the dangers of the speaking tongue, a list of the sins of the tongue, and appropriate remedies) as the source text, *Summa vitiorum* (CASAGRANDE and VECCHIO, *Les péchés de la langue*, pp. 109-110).

[12] See BANGE, *Moraliteyt saelt wesen*, pp. 224-225. For a characterisation of *Des coninx summe* see H. PLEIJ, *Het gevleugelde woord: Geschiedenis van de Nederlandse literatuur 1400-1560* (Amsterdam, 2007), pp. 78-79; ID., "Inleiding: Op belofte van profijt", in: *Op belofte van profijt: Stadsliteratuur en burgermoraal in de Nederlandse letterkunde van de middeleeuwen*, ed. H. PLEIJ (Amsterdam, 1991: *Nederlandse literatuur en cultuur in de middeleeuwen* 4), pp. 39-40, at pp. 22-23 (Pleij places *Des coninx summe* in the context of urban culture and civilian morals); and BANGE, *Moraliteyt saelt wesen*, pp. 101-108, for an extensive discussion of the seven deadly sins in *Des coninx summe.* See M.D. VELDHUIZEN, "Liegen en vloeken: De zonden van de tong in *Des coninx summe* (1408)", *Transparant* 21.1 (2010), pp. 10-15, for an analysis of notions on lying and cursing in *Des coninx summe. Des coninx summe* describes itself as *summa* (see *Des coninx summe*, ed. D.C. TINBERGEN, 2 vols. (Leiden, 1900-1907: *Bibliotheek van de Middelnederlandse Letterkunde* 21-22), 1, p. 210 and p. 99 of the introduction by editor). See PANSTERS, *De kardinale deugden in de Lage Landen, 1200-1500*, pp. 104-105, on Laurent d'Orléans.

its turn is based on the above-mentioned *Summa vitiorum* of Guillelmus Peral-
dus.[13] The discussion of the sins of the tongue in *Des coninx summe* takes up
no less than a quarter of the total discussion of the deadly sins. Unlike in both
versions of *Spiegel der sonden,* the sins of the tongue are not classified as the
eighth deadly sin, but are discussed, together with *gula* ('gluttony') under the
heading 'Sins of the mouth'. The sins of the tongue are subdivided in ten dif-
ferent types of speech sins, described by *Des coninx summe* as ten branches of
a tree. They consist of *ydel woerde* ('idle speech', with the subcategories: 'end-
less chattering', 'passing on gossip', 'telling jokes', 'mocking'), *beroeminghe*
('self-glorification'), *flacteringhe* ('flattery'), *achtersprake* ('slander'), *logen-
thale* ('lying'), *versweringhe* ('cursing', 'committing perjury', 'bearing false
testimony'), *sceldinghe* ('squabbling'), *murmureringhe* ('grumbling'),
wederspannighe woerde ('incitement' / 'seditious speech'), and finally
blaspemeringhe ('blasphemy').[14]

The adapter / translator of *Des coninx summe* is the Carthusian Jan van
Brederode († 1415), a lay brother from a well-to-do background. Before his
conversion, he was Lord of Brederode and held company with Duke Albrecht
of Bavaria. He was present at the duke's campaign against the Frisians in 1398.
Married to Johanna van Gennep, he entered the Carthusian order in 1403,
while his wife entered the Dominicans, possibly to escape from creditors.[15] He
did not complete *Des coninx summe*. That was done by two other translators.
The reason for this seems to have something to do with a feud about an inheri-
tance in 1409, which necessitated him to focus on secular cases. He mobilised
an army for a siege at the town of Wijk bij Duurstede (nowadays in the prov-
ince of Utrecht, in the middle of the Netherlands). Frits van Oostrom substanti-
ates the idea that Jan van Brederode used a free hand in translating *Somme le
Roi*. He very probably added many elements as 'committed co-author', and

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Spiegel der sonden (rhyming and prose version) takes a more guarded tone than *Des coninx
summe*. *Des coninx summe* is positively lively now and then, not only in its use of images, but
especially when examples are given of sinful expressions in direct speech ("*Heb ic teghen die
mane ghepist?*" ("Did I piss against the moon?"), *Des coninx summe*, No. 167, pp. 312-313 –
according to the editor, D.C. van Tinbergen, this is an addition by Jan van Brederode). It seems
as though Jan van Brederode secretly takes pleasure in showing that which he advises his readers
against saying.

[13] CASAGRANDE and VECCHIO, *Les péchés de la langue*, p. 110.

[14] *Des coninx summe*, No. 135, p. 293. See Appendix 2 for the source acknowledgements
of the ten speech sins in *Des coninx summe*.

[15] F.P. VAN OOSTROM, "De erfenis van *Des coninx summe*", *Optima: Cahier voor literatuur
en boekwezen* 14 (1996), pp. 119-126, at p. 123.

seems to have had a predilection for unconventional secular comparisons.[16] *Des coninx summe* has been handed down in ten manuscripts and printed editions.[17]

The fourth text of the Middle Dutch ecclesiastical corpus is *Cancellierboeck* (Chancellor's book). It was written in the fourteenth century and describes itself as a *biechtspiegel* (literally 'confessional mirror'). The text is an adaptation of, among others, *De conscientia* by Robert de Sorbon, resident chaplain at the court of King Louis XI, commonly known as Saint Louis.[18] The title *Cancellierboeck* refers to the central metaphor in the book: the believer must take an exam before God, who has the role of Chancellor of the University. It is known that a manuscript, intended for use by lay brothers, was present in the Augustinian Rooklooster (Red Cloister).[19]

Tafel vanden kersten ghelove (Manual of Christian belief) from 1404 is attributed to the Dominican court chaplain Dirc van Delft (1365-1404). The main source for this work is *Compendium theologicae veritatis* (*c.* 1260) by Hugo Ripelin of Strasbourg, but *Tafel vanden kersten ghelove* is also based on Guillelmus Peraldus' *Summa vitiorum*, and to a lesser extent on *Summa de virtutibus* by the same author.[20] *Tafel vanden kersten ghelove* focusses not only on confession, commandments and sin, as is the case in the works mentioned above. It takes a broader view.[21] The work consists of *Winterstuc* and *Somerstuc*

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[16] VAN OOSTROM, "De erfenis van *Des coninx summe*", p. 122.

[17] VAN OOSTROM, "De erfenis van *Des coninx summe*", pp. 125-126.

[18] See BANGE, *Moraliteyt saelt wesen*, pp. 224-225, for a characterisation of *Cancellierboeck*. I base the date on E. KWAKKEL, *Die Dietsche boeke die ons toebehoeren: De kartuizers van Herne en de productie van Middelnederlandse handschriften in de regio Brussel (1350-1400)* (Louvain, 2002: *Miscellanea Neerlandica* 27), pp. 32-33. See J. TE WINKEL, *De ontwikkelingsgang der Nederlandsche letterkunde*: *Geschiedenis der Nederlandsche letterkunde van middeleeuwen en rederijkerstijd* (Haarlem, 1922), p. 195, in which Te Winkel discerns a connection between *Cancellierboeck* and *Des coninx summe*.

[19] VAN OOSTROM, *Wereld in woorden*, p. 188.

[20] VAN OOSTROM, *Wereld in woorden*, pp. 465-470, and F.P. VAN OOSTROM, *Het woord van eer: Literatuur aan het Hollandse hof omstreeks 1400* (Amsterdam, 1996), pp. 180-224, for a detailed characterisation of *Tafel vanden kersten ghelove*. See also BANGE, *Moraliteyt saelt wesen*, pp. 202-204. For more on other Middle Dutch adaptations of *Compendium theologicae veritatis*, see PANSTERS, *De kardinale deugden in de Lage Landen*, pp. 96-104.

[21] *Tafel vanden kersten ghelove* deviates in certain respects from the other texts of the corpus. It therefore begs the question whether this work belongs here. For example, Geert Warnar states that *Tafel vanden kersten ghelove* has a unique position in Middle Dutch moral theology due to its content being highly scholastic as opposed to pastoral. He characterises *Tafel vanden kersten ghelove* as "lay theology" and differentiates between this and the "practical instruction" category (WARNAR, "Biecht, gebod en zonde: Middelnederlandse moraaltheologie voor de we-

(Winter and Summer part). The deadly sins, including the speech sins, can be found in the *Winterstuc*. *Tafel vanden kersten ghelove* is intended primarily for courtiers in the County of Holland (nowadays approximately corresponding with the Dutch provinces North and South Holland). The author Dirc van Delft resided in higher circles of a secular nature from 1399 as court chaplain to Lord Albrecht of Bavaria, where he taught catechism to courtiers. Earlier copies of *Tafel vanden kersten ghelove* distinguish themselves by a particularly beautiful appearance, with wonderful miniatures intended for use in circles in and around the court of Holland. However, the public was larger than only the Dutch courtiers. Copies have also been found in convents. Moreover, an abridged version of *Tafel vanden kersten ghelove* appeared in print, and excerpts from the book have been incorporated into other works, such as a text on the human body in a surgical manual by Klaas van der Walle from Brugge (1487).[22]

3.3 The Harmful Effects of Sins of the Tongue

3.3.1 Describing the Harmful Effects

"*Soe wie quaden raet geeft, is alsoe sculdicht als die geen diet doet: aldus quetst hi hem daer mede*" ("He who advises another to commit a sin, is as guilty as if he had committed the sin himself"). This quotation from the prose version of *Spiegel der sonden* indicates that the gravity of the speech sin is linked to the potentially harmful effects the words can have in reality. This invalidates the binary opposition between words and deeds. He who incites his fellow man to commit a sin (i.e. with words) is just as guilty as he who commits the sin (i.e. with deeds). The speech sin *quade raet* ('advising someone to commit a sin') is presented as just as harmful as the act of committing the sin.

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reldlijke leek", pp. 41-43). However, Warnar rationalises the highly scholastic standard of lay theological works such as *Tafel vanden kersten ghelove* by saying that they do not constitute an undisputed part of an academic dialectic, because lay theology is by nature "exemplary". In this way, *Tafel vanden kersten ghelove* does actually connect with the other moral theological works, which are equally exemplary by nature. There is, moreover, cohesion within the corpus due to a shared source. *Spiegel der sonden* and *Des coninx summe* are closely related to Guillelmus Peraldus' moral theological work *Summa vitiorum*, and *Tafel vanden kersten ghelove* is partly based on that work.

[22] VAN OOSTROM, *Wereld in woorden*, p. 468.

This assertion can be explained using an everyday parallel: is not the person who leads the cow to the butcher just as guilty of the cow's death as the butcher who actually skins the cow?[23]

In order to fully impress upon the intended readers and listeners the damaging power of sinful words, the texts use metaphors which make comparisons with physical injury and even murder. The rhyming version of *Spiegel der sonden* emphasises that the tongue, in its *bedecthede*, is like a snake, with its deceitful concealed character:

> In menigher manieren deert mede
> die tonghe in groter bedecthede:
> daer omme is si geheten 'serpent'.
> Hier up doet ons David bekent:
14785   "Si scharpten hare tonghen daer theghen,
> gelike dat serpenten pleghen.
> Voetsel van serpenten venine
> pleecht onder hare tonghe te zine".[24]

> In many ways the tongue is harmful in an utterly concealed way: that is why it is called 'serpent'. About this David informs us: "They have sharpened their tongues like serpents. Food of venomous serpents is likely to be under their tongues".

A snake can move silently, so people are unaware of the impending danger. In a similar way, the danger of the tongue is initially invisible, but equally capable of poisoning someone. *Spiegel der sonden* (verse) does not further examine questions such as for whom the tongue is harmful, or specifically which speech behaviour can inflict a venomous effect. It is also unclear who the owners of the harmful tongues are, although it is certain that they have sinister intentions: in the context of the Psalm, the owners of the venomous tongues refer to those who would harm the narrator. Other metaphors place less emphasis on the

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[23] *Spiegel der sonden* (rhyming version), in the edition *Die spiegel der sonden: Tweede deel: De prozatekst naar het Oudenaardsche handschrift*, ed. J. VERDAM (Leiden, 1901), ll. 751-752 and *Spiegel der sonden* (prose version), in the edition *Die spiegel der sonden: Tweede deel: De prozatekst naar het Oudenaardsche handschrift*, ed. J. VERDAM (Leiden, 1901), col. 262.

[24] *Spiegel der sonden* (rhyming version), ll. 14782-14788 and *Spiegel der sonden* (prose version), col. 247, ll. 19-23. The comparison derives from Psalms 140: 4. The tongue is also described as venomous in Jacob 3: 8. See also *Des coninx summe*, No. 146, p. 299 (a snake contains so much venom that no antidote can help) and p. 300 (in discussing the speech sin of defamation: slanderers bite like serpents).

misleading, concealed character of the tongue, or more in particular on the effects of the tongue for those who are gossiped about. In *Des coninx summe,* lying is compared to forgery.[25] Jan van Brederode judged liars severely. Just as forgers were condemned to the cauldron, a capital punishment which involved the condemned man being thrown into a cauldron of boiling tar, liars too were condemned to the *rechtvaerdighen Rechter* ('righteous Judge').

The sins of the tongue are also compared with physically painful acts. It is for example possible to injure and even 'murder' someone without laying a finger on them, solely by uttering certain words. Uttering contemptuous words is equivalent to hitting someone with sticks, according to the rhyming version of *Spiegel der sonden,* using a quotation from the Church Father Jerome.[26] *Des coninx summe* leads in pain metaphors when it comes to making it clear to the public that words can be harmful, such as in the discussion of the speech sin *sceldinghe* ('squabbling'). Jan van Brederode states that even a mild form of *sceldinghe* can result in painful situations. Uttering sinful words is like wounding with a razor or pricking with a sack full of needles.[27] The following painful comparisons underline the gravity of the effect of certain utterances. According to the fifth subcategory in the speech sin *ydel woerde* ('idle speech') in *Des coninx summe*, mockery is graver than murder.[28] In the rhyming version of *Spiegel der sonden,* the speech sin 'treachery' is equal to cannibalism, comparable to drinking human blood and consuming human flesh:

> *Also scrifture toghet al bloot,*
> *dat si drinct der menschen bloet*
> *ende metten vleissche is si ghevoet.*
> *Dit bescrivet ons aldus*
> 15880 *Mijn here sinte Gregorius:*
> *"Die eenen anderen verraet,*
> *in menschen bloede hi hem verzaet".*
> *Job die secht ooc van dien:*

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[25] *Des coninx summe*, Nos. 150-151, pp. 302-303. See also p. 60.

[26] *Spiegel der sonden* (rhyming version), ll. 16029-16035. See also *Spiegel der sonden* (prose version), col. 260, ll. 7-11, in the category "*vuyliken of quelc te spreken yemant*" ("to speak obscenely or badly of someone").

[27] *Des coninx summe*, No. 159, p. 308. In addition to 'razor', *scaermesse* can also mean scissors. The following is another example of a metaphor from this passage. The effect of the speech sin *kijven* ('squabbling') is like being burned by a kettle that boils over (a "*siedenden pot*", or "seething cauldron"). This kettle metaphor originates from the Bible, see Job 41: 20.

[28] *Des coninx summe,* No. 139, pp. 295-296.

> *"Waer bi persequeret gi mien*
> 15885　*ende zijt van minen vleische verzaet?"*
> *Die met verradenissen omme ghaet*
> *ne spaert vriend noch viant;*
> *dit doet ons scrifture becant,*
> *want God selve toghet wel*
> 15890　*biden prophete Ezechiel,*
> *wes woorde ons dus doen weten:*
> *"Die vadere sullen die kindere eten,*
> *die kinder hare vaders mede".*
> *Hier up in Jeremien God zede:*
> 15895　*"Elk die der verradenisse dient*
> *sal eten dat vleysch van zinen vrient".*
> *Leyder, hoe wel schijnt dat heden*
> *Doer der valscher ghiericheden,*
> *Dat die eene vrient den anderen et*
> 15900　*Ende met valscheden dat zine ontmet.*[29]

> Scripture shows unequivocally that she [treachery] drinks human blood and she is fed by human flesh. This my lord Saint Gregory describes: "Someone who betrays someone else, gorges himself with human blood". Also Job reports about this: "Why do you persecute me and are not satisfied with my flesh?" Who consorts with traitors, will spare neither friend nor foe; this Scripture makes us known, because God Himself shows [this] clearly through the prophet Ezekiel, whose words notifies us: "Fathers shall eat their sons, and the sons their fathers". Through Jeremiah God said in this respect: "Everyone who serves treachery, shall eat the flesh of his friend". Unfortunately, nowadays it very well seems that because of deceitful greed, one friend eats the other and deceitfully deprives him of what belongs to him".

Exactly what is meant by 'treachery' does not appear until the last lines (ll. 15897-15900). It is deceit, based on avarice, and used to obtain something that belongs to another. There is emphasis on the idea that the speech sin of 'treachery' has effects comparable to the horrific and painful act of cannibalism. Tak-

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[29]　*Spiegel der sonden* (rhyming version), ll. 15875-15900 (ll. 15883-15885 according to Job 19: 22; ll. 15889-15893 according to Ezekiel 5: 10; ll. 15894-15896 according to Jeremiah 19: 9). See E. MENDIETA, *Consuming Passions: The Uses of Cannibalism in Late Medieval and Early Modern Europe* (New York, 2003: *Studies in Medieval History and Culture* 20) on cannibalism in the late Middle Ages and early modern times, and H. BLURTON, *Cannibalism in High Medieval English Literature* (New York, 2007: *The New Middle Ages*) on cannibalism in the high Middle Ages.

ing something from another person affects someone's very being, their flesh and blood. The comparison appears also to express the idea that the effects of 'treachery' are irreversible, just as the consumption of someone's flesh does irreparable harm to their body. The comparison between treachery and cannibalism is substantiated by a quotation attributed to Saint Gregory and three quotations from the Bible. According to Saint Gregory, the traitor feasts on human blood. Job wonders why his persecutors, once friends, satiate themselves with his flesh. The words by God to the prophet Ezekiel show that treachery is not only detrimental to friend and enemy: fathers shall eat their children and children their fathers. And to the prophet Jeremiah, God said that the traitor shall eat the flesh of his friend. The narrative authority of *Spiegel der sonden* exclaims that, unfortunately, this remains unchanged today. Avarice ("*doer der valscher ghierichede*") causes one friend to deprive the other of something. In *Tafel vanden kersten ghelove,* Dirc van Delft also links treachery to avarice, and discussed this as the eighth subcategory of avarice (*avaricia*).

The description of speech sins as acts which bite and 'devour' is not restricted to *Spiegel der sonden*. In the discussion on the sins of the tongue in *Des coninx summe*, a metaphor is used which links certain sinful speech behaviour with physically harmful acts. Those who blaspheme are compared to dogs which bark and bite. Jan van Brederode explains that dogs bark at unfamiliar visitors and try to bite them. Similarly, blasphemers bark and snap at God, because He is unfamiliar to them.[30] *Quaetsprekers* ('slanderers') are compared in *Des coninx summe* to hyenas that dig up and devour corpses in the night. Characteristic of this speech sin is that the harmful effects involve innocent people, a fact that is considered extremely reprehensible – so much so that defamation (*quaetspreken*) is more sinful than the work of the devil himself. Whereas the devil only attacks evil people, slanderers target innocent people.[31] In *Tafel vanden kersten ghelove,* Dirc van Delft too goes to great lengths in his comparisons regarding the speech sin of *aftersprake*, comparable to 'defam-

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[30] *Des coninx summe*, No. 169-179, pp. 313-314. See also *Des coninx summe*, No. 159, p. 308. The effect of *quaetspreken* ('defamation'), the fourth subcategory of *sceldinghe* ('squabbling') is like a dog's bite. An additional salient point is that adaptor / translator Jan van Brederode writes expansively on heresy, and has, for example, added a piece on Lollardism, with a call for vigilance against these freethinkers (PLEIJ, *Het gevleugelde woord*, p. 163).

[31] *Des coninx summe*, No. 147, p. 300. See also Jacob van Maerlant, *Der naturen bloeme*, in the edition *Het boek der natuur*, ed. P. BURGER (Amsterdam, 1995: *Griffioen*), p. 40: "The hyena is an animal which has a predilection for roaming graveyards, and making a meal of the corpses" (translated from the Dutch by Lizzy Kean).

ation'. According to him, the slanderer is a she-wolf that eats its own cubs.[32] There is even a suggestion that uttering certain words metaphorically had a physical effect on Jesus. In the discussion on *sweren* ('uttering oaths', in this case, taking the name of Jesus, Mary and the saints in vain) in *Des coninx summe,* there is a passage in which this speech sin causes actual bodily harm to Jesus. People who swear on His limbs leave no part unsullied. They might say for example "I swear by the eyes of Jesus". This type of oath appears to have been commonly used in the late Middle Ages.[33] They "*houwen hem mit hoerre tonghen te stucken*" ("tear him to pieces with their tongues"). These Christians are worse than the Jews who crucified Jesus, fulminates Jan van Brederode in *Des coninx summe*. At least they left His body intact.

The construction of *sweren* ('swearing') as an act which physically harms Jesus, in *Des coninx summe,* resonates with Middle English moral theological and even art historical sources. The art historian Miriam Gill writes about a mural from 1410 in an English church, where people 'curse' Jesus' body parts separately from the rest of his body, by way of expressions of speech, and Sandy Bardsley identifies a similar construction in Middle English moral theological sources.[34] Bardsley argues that this specific speech sin is explicitly attributed to men and not to women. Her argument is not applicable to the description in *Des coninx summe,* in which the speech sin of cursing is not attributed specifically to men. This construction of *sweren* may have assumed another dimension for the public, by viewing the speech act as the exact opposite of a type of prayer in which Jesus' body parts are invoked.[35] Miriam Gill has another suggestion for the construction of *sweren* as harmful opposite. The public could associate the swearing by Christ's external organs with the practice of the transubstantiation during the Eucharist in the weekly Mass in the parish churches. In the transubstantiation, with the uttering of the words "Take, eat, this is my body" etc.), bread is changed into Christ's body, and wine into his blood.[36] In the framework of my research, however, these connotations take

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[32] *Tafel vanden kersten ghelove*, in the edition *Tafel van den kersten ghelove*, 2, *Winterstuc*, ed. L.M. DANIËLS (Antwerp etc., 1937: *Tekstuitgaven van Ons geestelijk erf* 5), p. 172 (*aftersprake*, 'slander').

[33] *Des coninx summe*, No. 155, pp. 305-306.

[34] M. GILL, "From urban myth to didactic image: The warning of swearers", in: *The Hands of the Tongue*, pp. 137-162, and BARDSLEY, "Men's voices in late Medieval England".

[35] See for example K.M. RUDY, "Laat-middeleeuwse devotie tot de lichaamsdelen en bloedstortingen van Christus", in: *Geen povere schoonheid: Laatmiddeleeuwse kunst in verband met de Moderne Devotie*, ed. K. VEELENTURF (Nijmegen, 2000), pp. 111-133.

[36] GILL, "From urban myth to didactic image", pp. 150-151.

on a rather suggestive character. Subsequent research on the differences in audience and their frames of reference will indicate whether recognising such parallels is justifiable.

3.3.2 The Malicious Source of Sins of the Tongue

The degree of sinfulness of a speech sin is determined to a large extent by the maliciousness of the source, i.e. the speaker's intention. For example, according to *Des coninx summe*, refractory, rebellious words originate from an evil source, namely a heart that has been petrified.[37] The rhyming version of *Spiegel der sonden* states that squabbling is a sign of *quaetheit* ('evil').[38] So, here is a link between whether or not the words are spoken with an evil intention and the gravity of the speech sin. According to *Des coninx summe*, careless lying is indeed a sin, but not a deadly sin – one which forfeits God's mercy.[39] The description of the speech sin *mendacium* ('lying') in *Cancellierboeck* states that in certain circumstances lying is not even a sin:

> *Die sesde het* mendacium, *dats als eyn seecht valsche woerde mit meyningen eynen anderen te bedrieghen. Een die waer weent segghen ende niet waer en seecht, hi en luycht niet, mer syn woerde syn valsche – dats, dat die dinghen alsoe niet en syn, als hi seecht – ende hi misduet alte luttel of niet.*[40]

> The sixth [sin] is called *mendacium*, that is the matter when one speaks false words with the intention of deceiving others. Someone who thinks that he speaks the truth but speaks untruly does not lie, only his words are false – that is the case when things are not as he says – and [so] he trespasses barely or nothing at all.

It is not a sin when a person lies without realising it. The speaker did not intend to deceive the other ("*mit meyningen eynen anderen te bedrieghen*"), and that means the expression is not sinful, even though the words are not the truth.

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[37] *Des coninx summe*, No. 165, p. 311.
[38] *Spiegel der sonden* (rhyming version), ll. 16115-16120 (Proverbs 15: 18).
[39] *Des coninx summe*, No. 151, p. 303.
[40] *Cancellierboeck*, in the edition *Het Cancellierboeck*, ed. A. KESSEN, (Leiden, 1932), p. 174.

Cancellierboeck does condemn the following type of 'lie'. Even when a person speaks the truth, if he thinks he is lying, and his intentions are evil, then he too is sinning:

> *Mer die waer seecht ende en waent niet waer segghen, die luycht ende misdeit seer – dat is te verstaen: ist, dat syn loeghen yement quetsen of schaden mach of myn of meer.*[41]

> However, a person who speaks truly and thinks he does not, lies and trespasses gravely – that is to say: when his lie hurts or damages someone more or less.

The work continues with an examination of the well-intended lie. A speaker might consciously choose to tell a white lie rather than blurt out the truth, because it is more beneficial for one's fellow man. However, even if a lie would be more beneficial, it is better to avoid lying altogether. *Cancellierboeck* quotes Augustine, who has stated that the lie has many faces ("*die loeghen is mennigherhande*"), and moreover "the saints" recommend avoiding lying of any sort. A lie for your fellow man's best will is also better avoided. Even when a lie could prevent damage to a fellow man's property or health, it is better to avoid the lie. Man must find another way of protecting his fellow man's property or health.[42] According to Grice's cooperative principles, the passage from *Cancellierboeck* can be expressed as follows: the maxim of quality is contravened when the speaker is unaware of the fact that he is speaking the truth, while having intended to lie and cause harm to his fellow man. It is also a sin when someone deliberately contravenes the maxim of quality. There is no conceivable exception whatsoever. Even when someone breaches the maxim for the good of another, the lie is regarded as a sin. So, good intentions are important, but not without limitation – not only according to *Cancellierboeck* or *Des coninx summe.* Even if a lie would have benefited a fellow man, lying is equally sinful when the speaker himself is harmed: "*nochtan dede hi sijns selves schade*".[43]

In the texts which discuss the sins of the tongue separately, as do *Des coninx summe* and both versions of *Spiegel der sonden*, the underlying evil sources of the sins of the tongue are characterised in terms of deadly sins. These resonate with the discussion of the speech sins in *Tafel vanden kersten*

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[41] *Cancellierboeck*, p. 174.
[42] *Cancellierboeck*, pp. 174-175.
[43] *Des coninx summe*, No. 151, p. 303.

ghelove and *Cancellierboek*, which discuss them distributed across the seven deadly sins. The source of a sinful expression often corresponds to one of the seven deadly sins. For example, self-glorification originates from *superbia* (pride), according to *Des coninx summe.* The connection between the speech sins and the deadly sins provides a starting point for the difference between categories which may be difficult to distinguish through modern eyes. For example, what are the differences between committing perjury, blaspheming, and cursing? The ecclesiastical authors would reply that committing perjury originates from avarice (*avaricia*), blasphemy from pride (*superbia*) and cursing from wrath (*ira*). In sum, the detailed classification of the speech sins in a plethora of categories and subcategories is based on their underlying sources. Another example of linking the deadly sin of *ira* (wrath) with a speech sin is the discussion on squabbling. This speech sin is characterised in both *Des coninx summe* and *Spiegel der sonden* (prose version) as speaking under the influence of a flare-up of anger.[44] The relationship between squabbling and anger is also reflected in the classifying of this speech sin in the deadly sins' system of *Cancellierboeck* and *Tafel vanden kersten ghelove* as a subcategory of *ira*.[45] *Cancellierboek* also discusses the following speech sins as parts of the deadly sin *ira*:

- *discordia* (arguing and squabbling);
- *injuria* (wronging someone in words or acts);
- *contumelia* (*verspricten schendelic sonder reden*, 'falsely accusing someone');
- *inpatiencia* (losing control, because of anger, and saying or doing sinful things).

In *Tafel vanden kersten ghelove,* the following speech sins are listed under *ira*:

- *discordia* (arguing or disagreement in word and deed);
- *injuria* (wronging someone in word and deed);
- *contumelia* (arguing).

The connection between the speech sin of lying (with perjury as a specific form of lying) and the deadly sin of avarice offers an insight into the specific construction, in both versions of *Spiegel der sonden* and in *Des coninx summe,* of

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[44] *Des coninx summe*, No. 59, p. 252, and *Spiegel der sonden* (prose version), col. 259, l. 20, col. 260, l. 20 (swearing to vent frustration – this speech act is different from 'cursing', which is the deliberate and unjustifiable calling on higher powers to add force to an expression).
[45] *Cancellierboek*, pp. 172-173, and *Tafel vanden kersten ghelove, Winterstuc,* pp. 170-171.

a lie as a form of theft and counterfeit. Theft and lying are comparable sins, not only because they both result in similar harmful effects on the other (something is taken from him), but also because the liar and the thief are both guilty of the same deadly sin, *avaricia* ('avarice'). Both the lie and the theft originate from an avaricious intention.[46] In *Cancellierboeck* and *Tafel vanden kersten ghelove*, the sins of lying and committing perjury are subcategories of the deadly sin *avaricia*.[47] *Loghene*, the 'lie', is also linked with avarice in the rhyming version of *Spiegel der sonden*:

> *Loghene heft menyghen ghedeert,*
> *des is si te schuwene weert;*
> *ende wie dat se wille verhaten*
> *die moet ghierichede laten.*[48]

> Lies have harmed many, that is why they must be avoided; and anyone who is seeking to eradicate them, has to avoid avarice.

So, a lie should be avoided ("*des is si te schuwene weert*") because lies already hurt many people. Anyone seeking to eradicate the lie begins to do so by shunning avarice. Both versions of *Spiegel der sonden* even show the thief as less sinful than someone who makes a habit of lying.[49] Lying is compared to counterfeiting in *Des coninx summe*. Lying is like the counterfeiting of a seal, a papal bull, or a coin – difficult to distinguish from the real thing. According to *Des coninx summe*, the devil himself, through no coincidence called the "father of the lie" by Jesus, made the mould for counterfeit coins, which he teaches man to use every day.[50]

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[46] Theft is discussed in both *Cancellierboeck* and *Tafel vanden kersten ghelove* under the deadly sin of *avaricia* ('avarice'): *Cancellierboeck,* p. 174, *furtum* ('*diefte of roef'*, 'theft and robbery'), and *Tafel vanden kersten ghelove, Winterstuc*, p. 175, *rapina vel furtum* ('*dat hier roef of diefte*'). See also *Des coninx summe*, No. 75-83, pp. 260-264, in which theft and robbery are also parts of the deadly sin *avaricia*.

[47] *Cancellierboeck*, p. 174, *perjurium* ('perjury') and *mendacium* ('lying'); *Tafel vanden kersten ghelove, Winterstuc*, p. 175, *mendacium* and *perjurium*; and *Des coninx summe*, Nos. 75-83, pp. 260-264 ('theft and robbery').

[48] *Spiegel der sonden* (rhyming version), ll. 15865-15868. Because of the link with avarice, the lie is specifically associated with merchants in *Spiegel der sonden* (ll. 15869-15870).

[49] *Spiegel der sonden* (rhyming version), ll. 15810-15812, and *Spiegel der sonden* (prose version), col. 259, ll. 9-13.

[50] *Des coninx summe*, Nos. 150-151, pp. 302-303. The devil as the "father of the lie" is from John 13: 6. See also *Des coninx summe*, No. 139, pp. 295-296, in which it is stated that the

3.3.3 Controlling the Tongue

'Monitoring' and 'restraining' are important actions according to the construction of the sins of the tongue. Speech sins are generally a result of a lack of control. That is most clearly demonstrated in the "*ydel woerde*" category in *Des coninx summe*. Idle or useless speech is empty and thoughtless, as seen in the first subcategory *multiloquium* ('excessive chatter').[51] This is a form of uncontrolled speech in which a person speaks unrestrictedly and without thinking. From a linguistic perspective, it is a breach of the quantity maxim. Grice has determined as a rule of thumb that people should express themselves as succinctly as possible, without unnecessary allusions.

However, *ydel woerde* should not be regarded solely as useless, thoughtless, and copious, as in its first subcategory *multiloquium*. *Ydel woerde* has subcategories which should be seen as a form of 'unfiltered' or 'uncontrolled' speech, in a moral sense. The category *Ydel woerde* contains sins such as the speaking of "*curiosen woerden*" ("spreading rumours" (*rumor*)), the speaking of "*onreynen boefliken woerden*" or "*leelike dorperlike woerden*" ("using vulgar or scabrous language" (*turpiloquium*)), and lastly "*spottelijke speelwoerde*" ("mocking, derisory language" (*bonorum derisio*)). The maxim of quantity has a moral connotation in those cases. It is not enough to express oneself efficiently, one must also express oneself in a morally acceptable manner. The speech sin *ydel woerde* can be characterised as 'the category of the sliding scale'. At a first glance, idle speech may appear innocent, but it has real consequences for the speaker as well as his fellow man: every time the speaker speaks, his inner self is in danger of being polluted. The emphasis is on the

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mocker deprives his fellow man of a treasure, because he who is mocked will be discouraged from doing good deeds because of a fear of being mocked (the passage is discussed below together with the effects on one's fellow man).

[51] See also *Tafel vanden kersten ghelove*, *Winterstuc*, p. 177 (*multiloquium*, 'loquaciousness', listed under the deadly sin of *gula*, 'gluttony'). See also PHILLIPS, *Transforming Talk*, pp. 6-7. According to Phillips, the category *ociosa verba* ('idle talk') consists in the Latin pastoral discourse of five subcategories: *multiloquium, rumor, scurrilitas, turpiloquium,* and *bonorum derisio*. Phillips translates these as 'excessive chatter', 'impudent and unproductive speech', 'tale telling', 'news', 'disturbing reports', 'bawdy jokes', 'lies', and 'scorning one's neighbour'. In ID., *Transforming Talk*, p. 8, n. 19, it is mentioned that medieval authors and printers had difficulty telling the five apart, and that the explanation is not always simple – particularly since the category has a paradoxical nature, i.e. it is light, but counts heavily. For more on *turpiloquium* and *scurrilitas,* see also CRAUN, *Lies, Slander and Obscenity in Medieval English Literature*, p. 167, and CASAGRANDE and VECCHIO, *Les péchés de la langue*, pp. 303-312.

risks of the speech acts, and on the opportunity for polluting the soul afforded by idle speech. Because God shall hold the speaker responsible for every word he says. The reference is Matthew 12: 36-37, in which Jesus indicates that every human should be accountable for each verbal expression.[52]

An associated subcategory of this speech sin of *sonde der loghene* ('sin of lying)' in *Des coninx summe* is that of a 'careless lie' (*rokeloes loghen*):

> *Die eerste hiet een rokeloes loghen, dat hem een man also qualic hoedet in sinen woerden, dat hem dicke een loghen ontsnapt onwetende. Daerom seitmen: een jonc man, die hem niet en hoedt, is haest een loghen ontspronghen.*[53]

> The first [sin] is called a careless lie, when someone uses his words not carefully and often inadvertently a lie escapes. That is why people say: [to] a young man who is incautious, soon a lie will crop up.

A person should watch what he is saying, for fear he might inadvertently tell a lie. It would appear that young people, in particular, are susceptible to this in an apparently proverbial way.

The fact that a speech sin is easily committed, and almost everyone can be a speech sinner, is stressed in the rhyming version of *Spiegel der sonden*. When 'cursing' is treated in the sense of 'swearing', the narrative's author sighs that a broad layer of society is guilty of this speech sin:

15705 *Wie hout nu, leyder, dese lere?*
       Ten is vrouwe, maget, knape of here
       Die zonder zweren spreken konnen.
       Kinder, die nu spreken begonnen,
       Leren vloeken ende zweren voren:
15710 *Des hebben si ghenoechte, diet horen.*[54]

> Who, unfortunately, adheres to this rule? Whether woman, maidservant, servant or lord, none succeeds in speaking without swearing. Children learn to curse and swear as soon as they begin to talk: it amuses those who hear it.

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[52] *Des coninx summe*, No. 136, p. 293. See also *Spiegel der sonden* (prose version), col. 249, ll. 7-11 (for the final reason why one should curb the tongue), and col. 268, ll. 37-39.

[53] *Des coninx summe,* No. 151, p. 302.

[54] *Spiegel der sonden* (rhyming version), ll. 15705-15710.

Not only people living on the margin or notorious criminals are guilty of this, all society is. The angle here appears to be, that the impact of speech sins such as swearing is often underestimated. A broad layer of society should take responsibility and become more aware of its speech behaviour.

3.4 Grace-Threatening and Face-Threatening Acts

3.4.1 Grace-Threatening and Face-Threatening for the Speaker

As stated in the previous chapter, words can be face-threatening or grace-threatening for the participants in the speech situation, and this is true for both conversation partners. A characteristic of the moral theological texts was the idea that harmful speech behaviour could cause damage to the relation between God and man (grace-threatening). In the moral theological context of deadly sins, the tongue can have severe supralinguistic effects – initially on the speaker. This is described in both the fourteenth-century rhyming version and the fifteenth- century prose version of *Spiegel der sonden* as "*Inder tonghe hangt doot ende leven*" ("death and life are in the hands of the tongue").[55] Since the deadly sins were used mainly in the context of pastoral care, these severe consequences (death and life) appear, in the first instance, to have consequences for the speaker himself. The tongue has a crucial part to play in both losing and keeping eternal life. On the one hand, the tongue is "*ghereet ten quaden*" ("eager to do evil"): no other part of the body is so quick to succumb to sinful behaviour as the tongue, polluting the soul. This is emphasised by the placing of salt on children's tongues during baptism, according to *Spiegel der sonden*.[56] On the other hand, the tongue can purify the soul. The ultimate example of a 'healing' speech act in the ecclesiastical domain, and in particular in *Spiegel der sonden*, is that of confession. Expressing, in the presence of a priest, any

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[55] *Spiegel der sonden* (rhyming version), ll. 14869-14870, and *Spiegel der sonden* (prose version), col. 248, ll. 13-14, and col. 272, ll. 11-16. The quotation is from Proverbs 18: 21, one of the biblical wisdom texts frequently used in moral theological discussion on the sins of the tongue. See also Proverbs 13: 3 and 21: 23. For more about this quotation in the context of 'deviant speech' in the late Middle Ages, see CRAUN, *Lies, Slander and Obscenity in Medieval English Literature*, p. IX.

[56] *Spiegel der sonden* (rhyming version), ll. 14708-14715. The reference is Jacob 3: 7-8. See also *Spiegel der sonden* (prose version), col. 248, ll. 3-12.

sins committed, cleanses the soul. When the soul is full of sin, the tongue brings the polluted content to the outside during confession.[57]

So words have a great potential for damage to the soul of the speaker. For example, the rhyming version of *Spiegel der sonden* contains the paragraph "*Vloeken es eene swaere zonde meest quetsende uut wiens ie comt*" ("cursing is a grave sin, most harmful for the one who utters it").[58] In this version of *Spiegel der sonden* much effort has been spent to make clear to the believer that there is a great force for harm in speaking, for the speaker himself. The tongue is presented as an untameable organ which damages the speaker's soul in no time – like a body part with its own, evil will.[59] The introductory words on the speech sins, in the rhyming version of *Spiegel der sonden*, describe it as though the speaker is a separate entity from the tongue when it speaks: "*gracie si hem ontrect*" ("it takes grace away from him"). Even someone whose life-style has been irreproachable for a long time, will, when unable to control his tongue, soon lapse into evil ("*hi wert zaen quaet*").[60] In addition, both versions of *Spiegel der sonden* emphasise that the innermost self is morally dependent on the tongue being controlled.

An uncontrolled tongue leaves the inner self unprotected and open to pollution. *Spiegel der sonden* (prose version) supports this idea with two comparisons which describe people as circumscribed objects without content. In the first, the speaker who cannot control his tongue is compared to a city without walls.[61] This comparison is from Proverbs 25: 28: "Whoever has no rule over his own spirit is like a city broken down, without walls". This quotation does not explicitly mention the tongue. According to Casagrande and Vecchio, however, the metaphor of the un-walled city is, in the moral theological tradition, equally associated with control of the tongue.[62]

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[57] For confession, see *Spiegel der sonden* (rhyming version), ll. 15455-15485 (on the speech sin 'not confessing sins') and ll. 15566-15568. This fragment is not present in the prose version. In Jan Praet's *Speghel der wijheit of Leeringhe der salichede* (in the edition *Speghel der Wijsheit*, ed. J.H. BORMANS (Brussels, 1872), ll. 461, 591, and 1621) the tongue is called a *hoosvat* ('bailing bucket'). The text is not otherwise part of the corpus of this chapter.

[58] *Spiegel der sonden* (rhyming version), ll. 15991-16028.

[59] *Spiegel der sonden* (rhyming version), ll. 13735-13740, with its source in James 3: 5-6. See *Spiegel der sonden* (prose version), col. 247, ll. 1-4.

[60] *Spiegel der sonden* (rhyming version), ll. 14851-14854. See also *Spiegel der sonden* (prose version), col. 248, ll. 27-28.

[61] *Spiegel der sonden* (prose version), col. 246, ll. 26-34 (not in rhyming version).

[62] CASAGRANDE and VECCHIO, *Les péchés de la langue*, p. 292.

In the second comparison in the prose version of *Spiegel der sonden*, the speaker who cannot control his tongue is likened to an unsealed barrel. This metaphor is used to characterise the speech sin of *ydel woerde* ("idle speech"):

> *Die sine tonge niet en bewaert, is gelijc den vate dat onbedect staet. Hier af staet in der Bibel: "Dat vat dat geen decsel en heeft, sal vuyl werden in corter tijt, want sant ende ander vuylheit valter in".*[63]

> Someone who does not restrain his tongue is like an uncovered barrel. The Bible says about this: "The barrel without a lid will soon be polluted, because it fills easily with sand and other dirt".

The soul of someone who is unable to control his tongue is like a barrel without a lid. The result is that the contents can become polluted by dirt that does not belong there. *Des coninx summe* uses a similar metaphor. Certain words spoken by man are like vermin that crawls into a cooking pot and spoils the contents.[64] This idea fits well with something that George Lakoff and Mark Johnson formulated as the 'container metaphor' (see chapter 2), in which man is regarded as a circumscribed object with words going in and coming out. In the moral theological texts, the tongue is described as a crucial lid on the 'container'. The tongue not only brings words out, it also brings elements from the outside in. Should the tongue be insufficiently guarded, the inside of the container will become polluted.

One might not expect to see the harmful social aspects of the sins of the tongue emphasised in the ecclesiastical domain. After all, the texts are of a pastoral nature, in the area of pastoral care of the speech sinner. However, some speech sins are also presented as being not only grace- but also face-threatening acts for the speaker. Not only is the spiritual welfare of the speaker in danger, the moral theological texts from the corpus warn of the socially damaging effects of certain speech behaviour. The speech sinner will suffer damage to his reputation as a result of his utterances. In *Des coninx summe*, for example, the risk of potential social damage is a motivation for the speech sin of perjury or giving false testimony.[65] This speech sin is a subcategory of *swe-*

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[63] *Spiegel der sonden* (prose version), col. 246, ll. 29-35 (refers to Numbers 19: 15?). For more on a barrel as container for the soul, see F.A. STOETT, *Nederlandsche spreekwoorden, spreekwijzen, uitdrukkingen en gezegden* (Zutphen, 1923-1925), No. 2333, p. 387.
[64] *Des coninx summe*, No. 136, p. 293.
[65] *Des coninx summe*, No. 156, pp. 305-306.

ren ('swearing'), together with other variations: useless, unthinking, misplaced and habitual swearing. Perjury, or giving false testimony, can have severe social consequences for the speaker, since the sin can result in his becoming known as *eerloes* or *trouweloes* ('dishonourable' or 'untrustworthy'):

> *In deser lester sonde, dat die sevende tac van sweren is, so horen oec alle die ghe-*
> *ne, die hoer loefnisse of trouwe te broken hebben of hoer sekerheit niet ghehouden*
> *en hebben, want trouwe of sekerheit te breken, dat is oec meneedscap, want weder*
> *men seit: "Die man is eerloes of trouweloes", of: "Die man is meneedich, die sanc*
> *hevet bi cant één note, dat lyet hevet één wise of één tone; al hebben die woerden*
> *wat ondersceyts, ic en viele om die kore vanden balke niet".*[66]

> To this last sin, which is the seventh branch of swearing, belong also everybody who has broken his oath, promises, or marriage vow, because breach of fidelity is also perjury, for people say on their part: "That man is without honour or loyalty", or: "That man is a perjurer, the singing has [only] one note, the song has one tune or tone; even if the words mean anything, I am not easily fooled (literally: the risk of being penalised has prevented me from falling off the perch)".

People will say that he is dishonourable, untrustworthy, a perjurer, that it is always the same song (story) with him ('one tune' or 'one tone'). People commit this sin more easily than you might think. The speech sinners in this category sin not only in this respect when swearing a false oath in the specific situation of a court case or a court of law, but in every situation in which they break a promise or (marriage) vow. The *ghewoenlike loghen*, a 'lie told out of habit', without evil intention, equally has both a religious and a social motivation. This type of liar "*vertoernt God daermede ende maket hem selven onghe-acht*" ("makes God angry and himself disreputable").[67] The lie leads to the perlocutionary effect of God, as listener, becoming angry with the speaker, and the speaker's fellow man regarding him as disreputable. This means that the lie is both a grace-threatening act (the effect on the relation between God and the speaker) and a face-threatening act (the effect on the relation between the speaker and other people).

In *Des coninx summe*, *roeminghe* ('bragging') is also mentioned as a speech act which has a damaging social effect on the speaker. It states that bragging is "*lelic ende dorper*" ("ugly and stupid"), because everyone sees the

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[66] *Des coninx summe*, No. 156, p. 306.
[67] *Des coninx summe*, No. 151, p. 303.

bragger as "*dwaes ende onwetende*" ("foolish and ignorant"). This brings the credibility of the speaker in dispute. It is no more possible to take a bragger seriously, than it is a harp-playing donkey or a sow dancing a courtly dance.[68] In the prose version of *Spiegel der sonden*, in the chapter on "*beroeminge is een quade sede ende sunde*" ("bragging is an evil habit and sin"), social damage or loss of face is also named as a potential danger of bragging. It states that the speech act is pointless, since it has little power to convince the fellow man: "*Selden pleget men hem te geloven, die hem selven prijs geven*" ("Rarely one tends to believe him, who flatters himself").[69] In many cases, a bragger is not credible when singing his own praises. The perlocutionary effect on the recipient is not the one intended by the speaker. They are more likely to reject the positive image the speaker is projecting, than to accept it.

In its treatment of the speech sin *striden* ('squabbling'), the prose version of *Spiegel der sonden* also states that the speech act could threaten the 'face' of the speaker:

> *Striden soudemen schuwen mede:*
> *het is grote oneerlichede.*
> *Dit orcont Salomons lere:*
> *"Den mensche so eist grote eere,*
> *dat hi vander stridinghe vliet;*
> *schandelic so eist hem, dies pliet".*[70]

> One should also avoid strive: it is very reprehensible. This is made known in Salomon's axiom: "It is honourable for a man to flee from a quarrel, it is dishonourable to those who are involved in it".

Supported by one of Solomon's regulations (i.e. Proverbs 20: 3), squabbling is discouraged, because it "is very reprehensible" ("*grote oneerlichede is*"). Man is honourable if he avoids arguments, and scandalous if he gets involved. According to the same text, the speaker who "brags about his own merits" ("*hem beroemt*") loses credit not only with his fellow man, but also with God – bragging is therefore both face-threatening and grace-threatening for the speaker. The prose version of *Spiegel der sonden* explains this by way of the following

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[68] *Des coninx summe*, No. 140, p. 296 (the image refers to Boethius), and No. 141, pp. 296-297.
[69] *Spiegel der sonden* (prose version), col. 267, ll. 30-31.
[70] *Spiegel der sonden* (rhyming version), ll. 16089-16094.

image. The bragger is like a chicken that prides itself on its performance: it
cackles loudly to announce that it has laid an egg. The human hears this, real-
ises that there is an egg, walks to the chicken coop and take the egg away. By
its own actions, the chicken has lost its egg. In the same way, God will remove
man's 'virtue' should he brag loudly about it.[71] Incidentally, in this case, an egg
had actually been laid. The chicken was not being dishonest when it rejoiced
about its egg. As with defamation, truth is not necessarily a criterion in this
speech sin. This speech act may be about actual merits or characteristics. At its
core, it means that one should not sing one's own praises, but rather leave that
to another: "*Salomon seet: 'Een ander mont moet die prisen, mer niet dijns
selves mont'*" ("Salomon says: 'Another mouth has to praise you, not your
own'").[72] A good reputation and eternal life cannot be ensured by merely indi-
cating the reasons why they are deserved. The following applies to both the
'face' and the spiritual welfare of the speaker: those who ask, do not get. In the
expression of such personal praise in cases of bragging, the speaker must be
someone other than the subject. That is a precondition for the enabling of the
perlocutionary effect on the conversation partner: the recipient appreciates the
subject more. Should the speaker and the subject be one and the same, in the
matter of praise being expressed the effect on the recipient is that he does not
believe the praise, and even accords the speaker less appreciation.

In the discussion on 'bragging' (*beroeminghe*), *Des coninx summe* offers
an example of a speech sinner who tries valiantly to circumvent the above-
mentioned principle. This speech sinner hires people to praise him ("*dat is
ander lude, die hoer duecht voert setten*").[73] *Des coninx summe* compares this
type of self-glorification with the situation in which a stooge, seemingly impar-
tial, praises a wine in order to affect public opinion of the wine. Good wine
needs no bush, but the wine merchant in *Des coninx summe* circumvents this
proverbial law and attempts, on false grounds, to overstate its 'worth'. This

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[71] *Spiegel der sonden* (prose version), col. 267, l. 23 to col. 268, l. 6. Is there a link with the
proverb *Wie kakelt, moet ook eieren leggen* (freely translated: 'Don't talk the talk if you can't
walk the walk')?

[72] *Spiegel der sonden* (prose version), col. 267, ll. 23-26. However, see *Cancellierboeck*,
pp. 170-171, *arrogancia* (the first 'daughter' of *superbia, '*pride'): untruthful boasting about
advantage, wealth, power etc. "*des hij niet en heeft*" ("which he does not have"), and in the
presumptio category, in Middle Dutch *vermetenheit*, 'impertinence' (the eighth 'daughter' of
superbia, 'pride'). This sinner has an inflated opinion of himself and prides himself on more than
he has actually accomplished. See also *Tafel vanden kersten ghelove, Winterstuc*, pp. 168-169,
presumpcio and *arrogantia*.

[73] *Des coninx summe*, No. 141, p. 297.

speech behaviour is therefore a form of manipulated word of mouth advertising, a variant of bragging unpunished by society. However, as *Des coninx summe* emphasises, it is very definitely a sin, and forms a threat to the spiritual welfare of the speaker. Another example is that of "*spreken met twee tongen*" ("speaking with two tongues"), to be found in both versions of *Spiegel der sonden*, in which a false councillor tries to curry favour with the king by discrediting the court wine server.[74] This example concerns a king and two of his staff, a false councillor and the wine server. The councillor uses his eloquence to discredit the wine server and ingratiate himself. The false councillor approaches it as follows. He convinces the wine server that he has bad breath, even though that is not true, and advises him to turn his head away when pouring wine. The false councillor subsequently tells the King that the wine servant turns his head away to show his contempt for him. This makes the councillor's words a face-threatening act for the wine server. In other words: the wine server's reputation could be damaged in this situation. Fortunately, the councillor is unmasked in the end, and the threat to the wine server is averted.

3.4.2 Grace-Threatening and Face-Threatening for the Subject

According to the moral theological texts, harmful speech behaviour can cause damage not only to the speaker's 'grace' and 'face', but also to subjects of the sinful speech. The sin 'mockery' is presented in *Des coninx summe* as a grace-threatening act. Uttering *spottelijke speel woerde* ('sneering, mocking words') kills the souls of those afraid of becoming a subject of mockery. A comparison is made between speaking sinfully and murdering someone, in order to convince the target audience of the gravity of a speech sin:

> *Dat vijfte dat sijn spottelike speel woerde, die veel luden niet ghelaten en connen.*
> *Si en moeten speel scoten scyeten op allen goeden menschen, die hem gaerne te*
> *Gode keren souden. Ende dese menschen doen vele scadelike sonden aen meni-*
> *ghen goeden menschen, die hem hoers spots ende scymps ontsiet ende veel goeder*
> *werken laet te doen om hoers spottens wille, die hi anders doen soude. Daer om*
> *voerwaer so en sijn dit mit rechte gheen ydel woerde voor God gherekent, mer seer*

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[74] *Spiegel der sonden* (rhyming version), ll. 16294-16494, and *Spiegel der sonden* (prose version), col. 263, l. 32-col. 267, l. 22. See also *Spiegel der sonden* (rhyming version), ll. 15970-15974, in which flattery is described as a form of deceit, and *Des coninx summe,* No. 40, p. 240-241: *ambici*, 'two-faced' – flattering one and kicking the other to further oneself.

scadelike woerden, want een mensche, die mit sinen spot yement van Gode keert,
die is also veel quader als een moerdenaer, als die ziele edelre is dan dat lichaem;
want een moerdenaer die doot dat lichaem ende dese doden die siele.[75]

The fifth [subcategory of idle speech] is mockery, which many people cannot help
but doing. They must shoot darts of mockery to all good people, who usually are
very devout. And these people encourage several good men to commit many harm-
ful sins in order to avoid mockery and sneers and, for the sake of [avoiding] deri-
sion, neglect the good works they normally would have done. That is why these
words are not idle to God, but [indeed] very harmful, for a person who causes
someone to turn away from God because of his mockery is much more evil than a
murderer, as the soul is more valuable than the body; for a murderer kills the body
and they kill the soul.

There are many people who cannot resist shooting their darts of mockery at
good people ("*speel scote scyeten op alle goede menschen*"), who in turn com-
mit many damaging sins, or neglect to do good works, in order to avoid mock-
ery and sneers. Jan van Brederode warns that, verily, although this subcategory
may well be included in the category *ydel woerde*, in God's eyes these words
are anything but idle, empty or meaningless. The mocker who diverts his fel-
low man from the path of righteousness is worse than a murderer, because he
kills not the body, but the soul of his fellow man, the recipient. And the soul is
more 'valuable' (*edelre*) than the body. The mocker incites good people to
commit sins or neglect good works for fear of being mocked or jeered at. No
further information is given about the nature of the sins committed, or the good
works neglected. In actual fact, the mocker can commit this kind of murder of
the soul without even having spoken at all. The threat alone of being mocked
by a known mocker is enough to drive the subject to sin.

Flatterers too are capable of indirectly threatening the souls of their recipi-
ent fellow men. 'Don't speak ill of the dead' nowadays is a well-known adage,
but according to the rhyming version of *Spiegel der sonden*, praising the living
is also taboo: "*Prijst nyemant vor hi is doot*" ("Do not praise anyone before he
is dead").[76] According to *Des coninx summe*, flatterers and slanderers consti

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[75] *Des coninx summe*, No. 139, p. 295.
[76] *Spiegel der sonden* (rhyming version), l. 15925. For a motivation with reputation, see also
Spiegel der sonden (rhyming version), ll. 16089-16094 (avoid quarrelling, for it is "*grote
oneerlichede*", "great dishonesty"). It is unclear from the passage whether it concerns the face of
the speaker or the recipient. In E. VERWIJS and J. VERDAM, *Middelnederlandsch woordenboek*,
11 vols. (The Hague, 1985-1952), *oneerlichede* is defined as 'dishonour', 'lewdness', 'in-

tute a threat to the spiritual welfare of their fellow men, because they cause people to "sleep in sin".[77] Flatterers pave the road to hell with honey. Instead of warning for, or correcting the sinful behaviour of their fellow men, flatterers condone it – in the same way as a tail covers the unclean back end of an animal – or tell their fellow men bare-faced lies. You might say the flatterer 'bewitches' his fellow man. Subsequently this fellow man "tends to believe what they (flatterers) say, rather than correcting his own behaviour any more" ("*ghelovet hem bet, dat si hem segghen, dan dat hi selve van hem selven ghevoelt*").[78]

Besides the construction of sins of the tongue as grace-threatening acts, sinful words are also potentially face-threatening acts for the subject. As mentioned above, they concern the 'face' or reputation of the subject. The construction of speech behaviour as a face-threatening act is strongly featured in *detractio*. *Des coninx summe* translates the term as *oftreckinge*, meaning 'diminish', 'decrease' or 'steal' (*detractio* derives from the verb *detrahere*, to evade). It is treated under the heading of the speech sin *quade woerde* ('evil words', *defamatio*):

> ... *dat is een eenrehande oftreckinghe, want si trecken enen mensce of ymmers sijn goet gherucht ende maken hem minre in ander luden herten, dan hi te voren was.*[79]

> ... that is a peculiar case of reduction, because they indeed reduce a person by his good name and reduce him in other people's hearts.

Detractio is described as an act in which anyone slandering another diminishes that person's good reputation. Moreover, the subject is diminished in the heart of others, so as a result of slanderous words having been uttered, the subject is made less beloved by others. The category *detractio* can also be found in *Cancellierboeck,* which translates it with *afradicheit*, emphasising more the origin of *detractio* than the language side of it. In this case, *afradicheit* means 'having a bad attitude towards someone'. That bad attitude is linked to envy. *Cancellierboeck* calls *detractio* the first daughter of *invidia* ('envy'), con-

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decency'. It may be that the distinction between speaker and recipient is irrelevant or impossible to clarify, because a quarrel is characterised by the involvement of two parties, both being speaker as well as recipient.

[77] *Des coninx summe*, No. 146, p. 299.

[78] *Des coninx summe*, No. 145, p. 299.

[79] *Des coninx summe*, No. 149, p. 301. For the Latin tradition of *detractio,* see CASAGRANDE and VECCHIO, *Les péchés de la langue*, pp. 239-241.

structed as hindering and diminishing, from envy, another's virtue and reputation.[80] Furthermore, *detractio* is mentioned in the list of deadly sins in *Tafel vanden kersten ghelove*: there it is translated with *aftersprake*. The speech act is similarly described in terms of belittling someone in the eyes of others. The words *beroeven* or *setten* (both meaning 'to steal') are used here. The speaker is characterised as someone who:

> *... een openbaerlic pijnt anderen menschen duechde ende eer te beroeven of sinen gueden naem after rugghe te setten ende inder luden herte doden. Want wanneermen van yement yet goets seit, daert dese luden horen, so vijnden si ymmer yet quaets daer op; so segghense: "Seker, het is een goet berve man, dien ic seker lief hebbe, mer hi hevet een ghebrec aen hem, dat mi alte leet is". So nomen si een punt dan of twee, daer si sinen goeden name mede minren, als voerseit is. Dit is des duvels scorpioen, dat licket mitten monde ende steket mitten sterte, als dese luden doen, beide tot enen male.*[81]

> ... publicly makes an effort to rob virtue and honour of other people or steal their good name behind their back and to kill it in the hearts of individuals. Because when one says something good about someone else, and these individuals hear this, they always react by pinpointing to something bad, saying: "Certainly, he is a righteous man, whom I respect, but he has a defect that bothers me". And they mention a point or two, which in some measure results in diminishing his good name, as aforementioned. This is [like] the devilish scorpion, licking with his mouth [flatters] and stinging with his tail, as these people wholeheartedly both do.

Anyone who is guilty of the speech act of *detractio* or *aftersprake* robs others of their "virtue and honour" ("*duechde ende eer*"). He is characterised by the stealing of someone's "good name" ("*gueden naem*") behind that person's back. He even kills the good name in the heart of other people. *Detractio* is therefore so damaging, according to *Tafel vanden kersten ghelove*, that it can even lead to a change in affection on the part of the recipient for the subject. Jan van Brederode illustrates this point in *Des coninx summe* with an example of *aftersprake*. Remarkable is the apparently innocent and nuanced way in which someone – a man in this case – is discussed: "Certainly, he is a righteous man, whom I respect, but he has a defect that bothers me".[82] And immediately, by the mention of that defect, a transformation takes place in the mind of the

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[80] *Cancellierboeck*, p. 172.
[81] *Tafel vanden kersten ghelove*, *Winterstuc*, pp. 171-172.
[82] *Des coninx summe*, No. 149, p. 301.

recipient. As a result of the emphasis on the defect, his opinion of the subject will in future be less favourable than it was before.

So, in the perception of *Des coninx summe*, the term *aftersprake* is not at all an innocent form of gossip, but rather a speech act in which unfavourable personal information about someone is shared in the subject's absence, which has disastrous effects on that person's reputation. It addresses the perlocutionary effect of *detractio* on the recipient with regard to the subject (who has been 'diminished'): a person's favourable attitude towards the subject is destroyed as a result of the speech sin. In *Spiegel der sonden* (rhyming version), *detractio* is not a separate category, but the concept, as constructed in the other three works, is close to 'treachery'.[83] The concept of *detractio* is reminiscent of the comparison, in *Spiegel der sonden* (rhyming version), of the speech act 'treachery' and cannibalism: eating someone's flesh and drinking their blood. It was stated there that deceit for reasons of avarice is comparable to the eating of another's flesh – equally a form of diminishing someone. *Detractio* also leads to this.

3.5 Variables in the Speech Situation

As explained in the previous chapter, the speech situation variables formulated by Dell Hymes can also offer insights into the speech act. These variables relate to the public setting of the speech act, the listeners, and the hierarchical relation between the conversation partners.

3.5.1 Making Public

An essential element of *detractio* in *Des Conincx Summe* is the making public of intimate, unfavourable information about someone. The following description of *quaetsprekers* ('slanderers') makes this clear:

> *Si slachten oec der wedehoppen, die maken hoer nest in menschen drec, daer si in rusten. Dit moghen wel 'des duvels wevel of torren' heten, die den goeden roke der*

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[83] *Spiegel der sonden* (rhyming version), ll. 15903-15924.

bloemen scuwen ende legghen liever inder messen ende woelen. Dat is hoer meeste ghenoechte.[84]

They look like dung beetles, making their nest in people's faeces, in which they lie. They may well be called 'devil's beetles', disregarding the scent of flowers and rather reclining and rummaging around in the dirt. That is their greatest pleasure.

The slanderers are like dung beetles (*wederhoppen*), who like nothing better than to roll in other people's dirt.[85] The explanation tells us that the *quaetspreker* is characterised as someone who prefers to focus on another's bad features or situation than on his or her good ones. Truth is therefore not the most important criterion in *quaetspreken*. It only matters that unfavourable personal information about someone is made public. Lies can, however, play a part in this. For example, there are slanderers who make up damaging lies about others and slanderers who pass on, and exaggerate, unfavourable gossip about others.[86] In this regard, too, the slanderers in *Des coninx summe* display similarities with the speech sin 'treachery' in the rhyming version of *Spiegel der sonden*.

The rhyming version of *Spiegel der sonden* mentions the consequences of a speech sin connected to a specific setting, namely that of a court case in which someone is testifying against another, and 'lies under oath' (*valscher orconde pleghen*).[87] By giving false testimony, the speaker harms no less than three parties. First of all, God 'the judge' (*den richter*).[88] According to the rhyming version of *Spiegel der sonden*, anyone giving false testimony brings shame and scandal to God ("*doet daer mede Gode blasphemie ende lelichede*").[89] In addition, he 'harms' (*deert*) the judge himself, since he will make a wrong judgement based on the false testimony. The third party harmed in the process is the person spoken about in the false testimony. As a result of the speaker's words, that person will be defamed and his possessions will be confiscated ("*te onteerne ende somtijd ontgoet*").[90]

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[84] CASAGRANDE and VECCHIO, *Les péchés de la langue*, pp. 239-252, in particular p. 248.
[85] *Des coninx summe*, No. 147, pp. 300-301. See also CRAUN, *Lies, Slander and Obscenity in Medieval English Literature*, p. 137. John Gower also used the image of the dung beetle in this respect in his *Confessio amantis*.
[86] *Des coninx summe*, No. 148, p. 301.
[87] *Spiegel der sonden* (rhyming version), l. 15848.
[88] *Spiegel der sonden* (rhyming version), l. 15849.
[89] *Spiegel der sonden* (rhyming version), l. 15852.
[90] *Spiegel der sonden* (rhyming version), l. 15863.

3.5.2 Listeners

The Middle Dutch text corpus on the sins of the tongue pay a remarkable amount of attention to listeners to speech sins, in particular those who tolerate such speech sins. The presence of a listener and his role in the speech situation are seen as important variables. In the rhyming version of *Spiegel der sonden* it is stated that it is better to be reprimanded by the wise than to fall for the fools' flattery:

15970   *In Ecclesiasticus so state:*
       Beter eist vanden vroeden ghedoghen
       verspreken, dan te zine bedroghen
       vander ghecken smekernie.[91]

       Ecclesiasticus says: It is better to tolerate reprimands of the wise men than to be deceived by the flattery of the foolish.

In this quotation, derived from Ecclesiasticus, a binary opposite has been constructed between the good speech act 'reprimand' and the bad speech act 'flattery' or, from the perspective of the recipient, between 'wishing to be reprimanded' as opposed to 'being susceptible to receiving compliments'. 'Flattery' (*smekinghe*) and 'slander' (*achtersprake*) are deliberately linked to each other in *Des coninx summe*, like two sirens.[92] The first siren is a mermaid who bewitches people with her sweet singing and lures them to their doom. The second siren is a dragon, which can run fast and fly, and which kills its victims with its venomous bite.

A share of the responsibility for the occurrence of harmful effects of speech sins falls to the listeners. The prose version of *Spiegel der sonden* contains the statement that everyone in the same space as the person blaspheming, shares in the responsibility for the 'crime' (*misdaet*):

       S' Gregorius bescrivet in sinen Dyaligo*, dat alle die geen die dat gedogen dat in hoer huys blasphemie geschiet, sijn alle dier misdaet mede deelachtich.*[93]

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[91] *Spiegel der sonden* (rhyming version), ll. 15970-15974. The source in Ecclesiasticus in unknown.

[92] *Des coninx summe*, No. 146, p. 299.

[93] *Spiegel der sonden* (prose version), col. 250, ll. 13-17. Here, other than in *Des coninx summe*, blasphemy is regarded solely as swearing and not as the spreading of heretical ideas. See also *Spiegel der sonden* (prose version), p. 249, ll. 22-26.

> Saint Gregory [the Great] writes in his *Dialogues*, that all those who tolerate blas-
> phemy in their house, are all accessory to the crime.

One of the six things hated by God are the feet that carry lying gossip.[94] The
recipient sins here too, by hearing and passing on the gossip. In this respect, the
sin *compressio boni* is also relevant, discussed in *Cancellierboeck* as a subcate-
gory of *invidia* ('envy'). The sin is characterised, among other, by the inability,
due to envy, to listen to what is good in others.[95] Here too, the sinful role play-
ed by listeners in the speech situation is highlighted. Such speech sins need
listeners, so that the expression can actually achieve a perlocutionary effect,
i.e. change the listener's cognition (for example the cognitive effect in which
the image of the subject is adjusted).

   But when is a listener partly responsible for the speech sin committed? It
is sometimes difficult to judge the extent of responsibility on the part of the
listener. A person might unintentionally catch sinful words – he has no control
over the initial reception of sinful speech behaviour. *Des coninx summe* finds
a listener partly responsible when he knowingly continues to listen to, and even
encourages, sinful speech behaviour, for example by laughing at scabrous
vocabulary ("*onreynen boefliken woerden*") in the category 'idle speech'.[96]
Responsibility for his listening behaviour starts from the moment he makes a
conscious choice whether or not to participate in the communicative situation.
Social position can also be an aggravating factor, according to *Des coninx
summe*:

> *... ende in deser sonden sijn si alle mede sculdich, diese gaern horen of die daer
> om lachen ende sonderlinghe grote heren ende goede wive, want worden die toer-
> nich daer om, so soudens hem die ander scamen ende hoeden te segghen.*[97]

> ... and of these sins all are guilty who like to hear them [obscene words] or laugh
> about them and especially honourable men and virtuous women, because if they
> were to react angrily, they would shame the other into being more careful about
> what they say.

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[94] *Spiegel der sonden* (prose version), p. 263, ll. 24-26, from Proverbs 6: 16-19. See also
Casagrande and Vecchio, *Les péchés de la langue*, pp. 248-249. In the case of *detractio*, three
roles are necessary: a speaker, a listener, and a third party, the subject of the conversation.
[95] *Cancellierboeck*, p. 172.
[96] *Des coninx summe*, No. 138, pp. 294-295.
[97] *Des coninx summe*, No. 138, p. 295.

So, in particular, "honourable men and virtuous women" ("*grote heren ende goede wive*") who hear such words and laugh, have a responsibility in this. When the listeners laugh, the speakers are encouraged to commit the sin of mocking and using obscene words.

3.5.3 Hierarchical Relation

Another relevant feature in the construction of a number of speech sins is the social relation (or power distance between both parties) between speaker and recipient, in particular when the recipient has a much higher status than the speaker – as in the case of the judge in the above-mentioned speech sin 'bearing false testimony'. Possibly less obvious from a modern perspective, the speech sins 'grumbling' and 'incitement' (respectively *murmureringhe* and *wederspanniche woerde*) carry serious blame for the sinner, because the higher placed person was not accorded the respect or appreciation due to someone in his or her position.

In *Des coninx summe*, a distinction is made, in the treatment of 'grumbling', between two types of recipient, two 'branches'. The first variant is grumbling at God, and the second is grumbling at a fellow man.[98] In the second variant, a plethora of conversation partners is mentioned, and in every case the relation between the speaker and the recipient is unequal. It concerns servants against their masters, children against their fathers or mothers, poor against wealthy, citizens against the 'authorities' (*heerscap*), lay people against priests, priests against their *prelatien* ('prelates', people in high positions in the Church) and in general: good against evil. The recipient with a higher social status than the speaker does not receive the appreciation he deserves, as superior.

The next speech sin discussed in *Des coninx summe* is that of 'incitement' or 'rebelliousness' (*wederspannicheit* or *rebelheit*), which relates to not taking advice and not allowing oneself to be taught or corrected by one's superiors.[99] Rebelliousness is much worse than grumbling, since it is a sin that derives from a petrified heart. The sin would appear to be more deeply rooted in the sinner. The speech sinner has, according to this description, narcissistic tendencies: he

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[98]   *Des coninx summe,* No. 160-164, pp. 308-311.
[99]   *Des coninx summe*, No. 165, p. 311. Complete discussion of the speech sin: Nos. 165-168, pp. 311-313 ('rebellious talk').

thinks that his own advice or way of doing things is best. The category 'rebelliousness' is discussed in detail in *Des coninx summe* and meticulously divided into the following subcategories:

1. is unable to accept good advice, or to learn anything from others;
2. refuses to accept God's commandments through prelate / church head ('take care of your own soul'), avoids good works by pretending to be old or ill;
3. is rebellious in the face of reprimands, never sees his own faults, is conceited and indignant in the face of disaster and even blames God for it;
4. thinks his is the 'pure' belief, that he has a hold on religious wisdom. This leads to heresy (heterodoxy) or the renouncing of one's faith.

Once again, *Des coninx summe* makes the behaviour clear by the use of concrete expressions which are prototypical for the category of 'rebelliousness'. "*Leert u selven, ic en bin u leerkijnt niet*" ("Teach yourself, I am not your student"), is one example of a characteristic utterance by a rebellious speech sinner, in the setting in which friends give him well-intended and valuable advice:

> *Want som rebelle herten en moghen niet liden dat hem yement van haren vryenden yet goeds raet, het si tot Gode of tot hoers selves profijt. Seit men hem yet dat hem vromen mocht, si en willens niet horen. Si segghen: "Leert u selven, ic en bin u leerkijnt niet! Condi goeden raet gheven, so raet u selven, ic wil van u ombericht wesen!" of sulke woerde dier ghelijc.*[100]

> Because some rebellious hearts reject good advice from their friends, whether it would benefit God or themselves. If they tell them something that would be to their advantage, they do not want to hear it. They say: "Teach yourself, I am not your student! If you want to give good advice, advise yourself, I will not be reprimanded!" or other words of this sort.

Such a speech sinner cannot tolerate his friends giving him advice, advice which could be useful to him. And specifically in the teaching situation between a preacher and a lay person, one might hear such a speech sinner tell the preacher to mind his own spiritual business: "*Besorcht u selves siele, laet mi die mijn besorghen!*" ("Salvage your own soul, let me salvage mine!").[101] The speech sin 'rebelliousness' makes one more appearance in the discussion of the seven deadly sins in *Des coninx summe*, this time under the deadly sin of

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[100] *Des coninx summe*, No. 166, p. 312.
[101] *Des coninx summe*, No. 166, p. 312.

'pride'. It is the sixth variant of *presumpcia*, translated in *Des coninx summe* as 'boldness', 'deceit', and 'spoilt behaviour' (*vermetelheit*, *bedroghenheit*, and *verweentheit*).[102] There is no exact match for the speech sin 'rebelliousness' of *Des coninx summe* in the other works from the corpus. Similar categories are discussed but they are not solely verbal in nature. In *Tafel vanden kersten ghelove*, *Winterstuc*, sins related to 'rebellious words' are *contumacia* ('ill-considered, reckless, acting out of pride'), *inobediencia* ('disobeying out of pride') and *irreverencia* ('being irreverent out of pride'), and in *Cancellierboek* it concerns *inobediencia* ('disobeying out of pride', in particular towards prelates and superiors), *irreverencia* ('being irreverent out of pride') and *contumacia* ('ignoring, out of pride, the orders from superiors').[103]

In the two aforementioned works are variants of rebellious talk linked to the deadly sins of *ira* ('wrath') and *acedia* ('sloth'). In *Tafel vanden kersten ghelove,* under the heading of *ira,* we find the sin of *protervia,* associated with rebellious talk ('contempt', 'being unable to control one's words due to anger'). Moreover, under the deadly sin of *acedia* ('sloth'), Dirc van Delft includes the following sins, associated with rebellious talk: *ignavia* ('ignorance', 'acting without asking advice'), and *torpor* ("*onghehorich, als een niet mit rade, mit bede of mit druwen daer toe te brenghen en is, dat hi Gods ende sijnre oversten gebode vervolge*" ("inobedient, as to be convinced nor because of advice, threat of obeying God's commandments or his superiors")). In *Cancellierboeck,* the related sin of *protervitas* (*wreetheid*, 'cruelty', when someone responds in a very unfriendly way to something which displeases him) is dealt with in the section on *ira.*[104]

A speech sin is severely condemned when God is the subject of an utterance. 'Grumbling' (*murmureringhe*) at God in *Des coninx summe* owes its severity to the idea that the speech act is an extreme deviation from the duty of praising God.[105] According to *Des coninx summe*, grumbling at God is a reversal of the heavenly singing of "*Deo gracias*". Instead of man giving God the appreciation he deserves, man considers himself superior to God, as it were, as though the grumbler stood above God.[106] This is also a motive in bragging. The

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[102] *Des coninx summe*, No. 39, p. 239.

[103] *Tafel vanden kersten ghelove*, *Winterstuc*, pp. 169-170, and *Cancellierboeck*, p. 171.

[104] *Tafel vanden kersten ghelove, Winterstuc*, pp. 170 and 173-174, and *Cancellierboeck*, p. 172.

[105] *Spiegel der sonden* (rhyming version), ll. 1835-1838.

[106] *Des coninx summe*, No. 163, p. 310. There is also a reference to the Bible passage of the grumbling Datirus en Aibiron, Numbers 16: 12-1 and 16: 25-34. See also *Spiegel der sonden*

speech sin of bragging is the direct opposite of the virtuous speech act of 'praising God'. By praising yourself, you deprive God of the praise, such is the interpretation of *Des coninx summe*:

> *Die ander sonde der quader tonghen is beroeminghe, dat een grote dwase lelike dorper sonde is. Si is groot, want die hem beroemt, die is een dief teghen Gode, want hi wil God sijn ere ende Sijn glorie stelen.*[107]

> The other sin of the evil tongue is 'bragging', which is a big, foolish, ugly, rude sin. It is big, because someone who brags is a thief of God, for he wants to steal God's honour and His glory.

The bragger is described as someone with a huge ego, who regards the world as foolish and ignorant.[108] The speaker is guilty of the most severe of the deadly sins: pride. This link with pride appears not to stand alone. *Des coninx summe* discusses bragging not only under the deadly sin 'sins of the mouth' (*sonden des monts*), but also in the section on the deadly sin of pride itself (bragging is a subcategory of pride). *Cancellierboeck* also discusses self-glorification under pride.[109] An interesting point in this context is a quotation from Paul in the paragraph "*Beroeminge is een quade sede ende sunde*" ("Bragging is an evil habit and sin") from the prose version of *Spiegel der sonden*: "*Sunte Paulus seet: 'Hij en is niet geprijst die hem selven prijst, mer die die heer prijst'*" ("Saint Paul says: 'He is not glorified who glories himself, but who glorifies in the Lord'").[110] A binary opposition is created in this quotation between praising oneself and praising God. Praising oneself is a sinful speech act, while praising God is a virtuous one. The effect of praising oneself is that others feel contempt towards the speaker. To avoid this effect, the speaker should give God the role of subject of his speech act, rather than himself.

(prose version), col. 258, ll. 30-32 and *Spiegel der sonden* (rhyming version), ll. 15787-15793 on the contrast between honourable and unclean use of the tongue (in the discussion on lying).

[107] *Des coninx summe*, No. 140, p. 296. See also *Des coninx summe*, No. 166, p, 312 (subcategory of rebellious talk: refusing to accept God's commandments through a prelate / head of the Church, avoiding good works by pretending to be old or ill). It seems once again to be about intention. The speaker places himself above God.

[108] *Des coninx summe*, Nos. 140, p. 296, and 38, pp. 239-240.

[109] *Cancellierboeck*, pp. 170-171.

[110] *Spiegel der sonden* (prose version), col. 267, ll. 34-36. 1 Corinthians 1: 31.

Since the subject is the Almighty, *Des coninx summe* regards blasphemy as the most severe of the sins of the tongue.[111] God is so aggrieved that he at times responds immediately, depriving the sinner of the chance to confess. According to an example in *Des coninx summe*, there once was a knight playing dice in a bar. Having lost badly, he blasphemed God so severely that he literally choked himself. The knight fell dead there and then, losing any hope, *Des coninx summe* adds, of redemption.[112] In short, according to this rhetoric, an incidence of blasphemy could result in God's intervention in daily life.

3.6 Conclusion

Words can cause just as much harm as acts. In the five Middle Dutch moral theological discussions on the sins of the tongue, words are presented as being equivalent to acts. Many comparisons are made between speech acts and physical pain, between speech acts and theft, and between speech acts and murder. There are also many instances of speech acts being compared to crimes, such as theft and, as we have seen, murder. Although it may not be immediately evident, and in the first instance less evident than physical violence and theft, certain speech acts can potentially have very harmful consequences. The texts aim to make their public aware of the fact that uttering certain words is not innocent, but can in fact lead to great harm. It is not easy to indicate which public they were aiming at. Various types of speech sinners are mentioned: men and women, children, masters and servants.

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[111] *Des coninx summe*, No. 169, p. 313. See also E.D. CRAUN, "*'Inordinata locutio'*: Blasphemy in pastoral literature, 1200-1500", *Traditio* 39 (1983), pp. 35-62; D. LAWTON, *Blasphemy* (Philadelphia, 1993); BARDSLEY, "Sin, speech, and scolding in late medieval England", pp. 152-154; LINDORFER, "*Peccatum linguae* and the punishment of speech violation", p. 33; and H. LEE, "Le blasphème comme déviance verbale au moyen-âge: Bilan et perspectives", in: *Deviations and Alienations of Marginalized People in Medieval European Communities: The Seventh Korean-Japanese Symposium on Medieval History of Europe*, Conference paper, http://bg.convdocs.org/docs/index-146497.html?page=6 [09/05/2016], pp. 5-7, on blasphemy as an attack on God's standing.

[112] See also *Des coninx summe*, No. 101, p. 273, in the discussion on avarice in "*quaden spelen*" ("bad parlour games"). See also L. HÖDL, "Gotteslästerung", in: *Lexikon des Mittelalters*, 10 vols. (Munich and Zurich, 1980-1999), 4, cols. 1593-1594, focussing on a possible biblical origin of the medieval notion of blasphemy, i.e. in Leviticus 23: 11-16, in which it is stated that anyone who curses God deserves to die. Thomas Aquinas is said to have extended *blasphemia* to include the claim that blasphemy is a contradiction of God's honour and glory.

A great deal of attention is also paid to the 'evil source' of speech sins. An important question in the case of speech sins is whether the utterance was based on impure grounds. This has to do with whether or not the speaker is responsible for the harmful effects of his actions. This determines to a large extent whether or not he has sinned, and how severe the sin is. This appears to be more important than the propositional content of the words themselves. The most severe sins are due to bad intentions. A sin is deemed to be less severe if there was no bad intention. It could be, for example, that Grice's maxim of quality (give true information) was deliberately breached. A speaker might consciously choose to tell a white lie rather than blurt out the truth, because it was more beneficial for his fellow man, and this could be well-intentioned. According to *Cancellierboeck*, a white lie is still a sin, but not a deadly one. The definition of 'impure grounds' for speech sins is formulated in terms of deadly sins: *superbia* ('pride'), *ira* ('wrath'), *invidia* ('envy'), *gula* ('gluttony'), *luxuria* ('lust'), *avaricia* ('avarice') and *acedia* ('sloth'). Lying and perjuring are linked to *avaricia*, and bragging to *superbia*.[113] The five texts display a great deal of cohesion in this respect. The connection between deadly and speech sins offers an insight into the distinction between categories which are very similar. There is an important difference between taking God's name in vain while cursing and taking God's name in vain while blaspheming, in that the first stems from avarice (*avaricia*) and the second from pride (*superbia*).

Keep a rein on your tongue is the urgent message of the texts studied. The words 'control' and 'monitoring' are strongly linked to the notions on harmful speech behaviour in the ecclesiastical domain, as revealed in the texts on the deadly sins. Especially the speech sin *ydel woerde*, the first category in *Des coninx summe's* treatment of ten sins of the tongue, is closely linked to 'monitoring'. *Ydel woerde* means 'idle speech', words uttered in an uncontrolled and impulsive way. From a linguistic point of view, the moral speech sins in the category *ydel woerde* do not adhere to Grice's maxim of quantity. According

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[113] This seems to fit well with the nature of the Western European approach to the seven deadly sins as a whole, in which the deadly sins were regarded as 'intentions' (see, e.g. J.A. BRUNDAGE, "Obscene and lascivious: Behavioural obscenity in canon law", in: *Obscenity: Social Control and Artistic Creation in the European Middle Ages*, ed. J.M. ZIOLKOWSKI (Leiden, Boston and Cologne, 1998: *Cultures, Beliefs and Traditions* 4), pp. 246-259). The notion of intent has been a crucial element in the treatment of both the deadly sins and the sins of the tongue since the twelfth century. See LE GOFF, "Préface", p. 14. Incidentally, *luxuria* ('lust') is not mentioned in my discussion of the link between deadly sins and speech sins, but lustful speech is dealt with in *Des coninx summe*, Nos. 105, p. 275, and 109, p. 227.

to Grice, this maxim is breached when someone uses more words than his conversation partner feels is necessary. However, there is also a moral connotation to this lack of monitoring, since the category also contains such speech sins as gossip, telling vulgar jokes and mockery. There is an increased risk of a speaker sinning when he does not filter his words as they are spoken. Young people are said to be particularly known for their ill-considered speech behaviour, which causes the occasional lie to 'escape'.

The paradox of the tongue is that it can pollute the soul, but also rectify this pollution. "*Inder tonghe hangt doot ende leven*" ("death and life are in the hands of the tongue"): according to the treatment of the sins of the tongue in the catechetical lists of deadly sins, good relations with the tongue are vitally important.[114] The tongue, as a metonymy of speaking, should be curbed, because unsupervised it can have a tendency towards evil. The tongue is described as the 'gateway' to or 'lid' on the soul. The relation between spoken words and the soul, as revealed in the texts about the deadly sins, is of a paradoxical nature. Speaking is presented as a movement of the mouth or tongue from inside to outside, as an expression of the innermost, of thoughts. At the same time, there is a dynamic from outside to inside, through lack of monitoring, as a vacuum by which the soul is filled with external influences. The tongue (or mouth and lips) provides access to the soul and allows both good and bad influences to enter. Speech sins are therefore represented as grace-threatening acts for the speaker.

Although speech sins are featured in the light of eternal life (pastoral care), there is also danger for the speaker in the corporeal life. Not only the speaker's eternal life, but also his earthly life is threatened. Certain speech sinners forfeit credibility with their fellow men (braggers or liars, for example). Loss of spiritual welfare, presented as the result of speech sins committed, goes hand in hand with the loss of the speaker's reputation, for example in the case of self-glorification or perjury. They do not form a contradiction, but rather co-exist. In linguistic terms, speech sins are not only grace-threatening acts for the speaker, but also face-threatening. Certain harmful speech acts are presented as grace-threatening and face-threatening for the subject. Words can, for example, constitute a grace-threatening act for the subject when, for fear of being mocked, he neglects to do good works, or when he becomes proud because he has believed flattering words about himself. In addition, speech sins are presented as being face-threatening for the subject, as in the case of 'slander'

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[114] *Spiegel der sonden* (rhyming version), ll. 14869-14870.

(*achtersprake*) or 'self-glorification' (*roeminghe*) and associated categories. According to imaging in the ecclesiastical domain, these words represent a great threat, because of the harmful effect they can have on the subject's 'face'. In the case of slander, for example, there is much emphasis on the perlocutionary effect on the recipient: the subject becomes less appreciated by the person listening to the slanderous words. In certain circumstances, listeners to sinful words are also responsible for the potential harm to God or fellow man of certain words.

Also important are a number of variables in the speech situation, such as the public setting of the words, and the presence of, and the part played by the listener. A listener is deemed sinful if he consciously chooses to tolerate a speech sinner – by listening to slanderous talk, for example. This accent on passive speech behaviour shows that moral theological texts are aware of an important language theory aspect. To put it in linguistic terms, it is possible for a speech act sometimes to be unsuccessful, namely when there are no recipients. In other words, a number of speech sins cannot be committed in the absence of listeners.[115] Listening to scandalous words ("*onreynen boefliken woerde*") places an extra responsibility on "honourable gentlemen and virtuous ladies". In speech sins such as rebellious talk and grumbling, the underlying relation between conversation partners is important, both in their social background and distance from power. These speech sins are characterised by a speaker whose status is inferior to that of the conversation partners. The higher the social standing of the conversation partner compared to that of the speaker, the more severe the speech sin seems to be regarded – culminating in blasphemy. Neither God nor man is accorded the appreciation he deserves in the case of certain speech sins, such as blasphemy, grumbling and rebellious talk. The moral status of the subject is also relevant. For example, an element of the concept of *detractio*, diminishing someone's reputation by way of slanderous words, is the fact that the slanderous words are spoken about innocent people.

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[115] *Ydel woerde* ('idle speech') in *Des coninx summe* is perhaps an exception. For more on listeners, see BRUNDAGE, "Obscene and lascivious: Behavioural obscenity in canon law", pp. 246-259. In the context of research into obscene language use, Brundage calls the focus on the spectator a characteristic aspect of medieval canon law and contrasts it with the present-day judicial approach, in which the emphasis is much more on the punishment of the speaker himself.

Improper Words:
Notions of Harmful Speech
in the Secular-Ethical Domain

4.1 Introduction

The thirteenth-century North Italian lawyer Albertanus of Brescia is a foremost authority in the field of the ethics of speech. In three books he developed the ecclesiastical concept of the sins of the tongue in a more or less secular-ethical framework. This chapter explores Middle Dutch notions on harmful speech behaviour (1300-1550), using Middle Dutch texts in the secular-ethical domain which are linked to Albertanus of Brescia and the authorities he used as his sources. The notions of harmful speech behaviour have been approached from the angle of 'sinful words'; it is now the turn of 'improper words'. These are words which are unsuitable or impolite in the eyes of one's fellow man. There are two types of improper words at the heart of this chapter. The first group falls under 'foolish' (*sot*) speech behaviour. Passages dealing with *sot* speech behaviour, or for example *dwaes*, *gheck*, or *dul* – all Middle Dutch synonyms used for foolish speech behaviour which will be discussed later on. The concept of *sotheit* ('foolishness') seems to have been well known and much used in the late Middle Ages. The cultural historian Herman Pleij indicates that writings on personifications of fools and jesters were hugely popular in the fifteenth and sixteenth centuries in the Low Countries.[1] The 'rise

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[1]   H. PLEIJ, *De eeuw van de zotheid: Over de nar als maatschappelijk houvast in de*

of the fool' can also be signalled in other European countries.[2] The second group consists of passages on flattery and slander – speech behaviour which is presented in the corpus as being extremely dangerous for man. After an exploration of the corpus, we will look at what the harmful effects of improper words are, how these effects are described, and whether or not maxims have been breached in a conversation situation. To what extent is harmful speech behaviour presented as grace-threatening acts (threats to the soul) and face-threatening acts (threats to the reputation), and for whom? Which variables are relevant to the speech situation?

4.2 Corpus

The secular-ethical corpus of texts consists in the first instance of what are known as 'advice texts', largely constructed from quotations from a specific group of authorities, namely from authors of wisdom literature, mainly attributed to Solomon (Proverbs, Ecclesiastes, Wisdom I and II and Ecclesiasticus) and from pagan authorities (in particular stoic philosophers such as Cato and Seneca).[3] The term 'secular' is somewhat confusing, since the Church is still fundamentally present in these texts. Guidelines for human performance shape not only social behaviour, but equally spiritual welfare. However, the relation between God and man (as a member of the Church) is not, or not the only, central theme. Nor is the relation between man and secular authority as a representative of the community (e.g. in the court of law) the topic, but rather the mutual relations between humans. Secular-ethical texts aim particularly at

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vroegmoderne tijd (Amsterdam, 2007).

[2]   For a study of fools in Europe, see M. FOUCAULT, *Geschiedenis van de waanzin in de zeventiende en achttiende eeuw*, trans. C.P. HEERING-MOORMAN (Meppel, 1975), translation of *Histoire de la folie à l'âge classique: Folie et déraison*, (Paris, 1961), and H. PLEIJ, "De zot als maatschappelijk houvast in de overgang van middeleeuwen naar moderne tijd", *Groniek* 23 (1990), pp. 18-39, at p. 19.

[3]   See REYNAERT, "Leken, ethiek en moraliserend-didactische literatuur: Ter inleiding", in: *Wat is wijsheid? Lekenethiek in de Middelnederlandse letterkunde*, ed. J.REYNAERT (Amsterdam, 1994: *Nederlandse literatuur en cultuur in de middeleeuwen* 9), pp. 9-36 and 353-362, at p. 27, and ID., "Ethiek en 'filosofie' voor leken: De *Dietsche doctrinale*", in: *Wat is wijsheid?*, pp. 199-214 and 415-419, at p. 205, on the use of 'wisdom quotations' as a characteristic aspect of secular-ethical texts. The division between pagan and Christian writers should not be seen as a clear line. According to PLEIJ, *Het gevleugelde woord*, p. 705, "Seneca and Cato were regarded in the late Middle Ages as semi-Christian authors" (translated from the Dutch by Lizzie Kean).

teaching a specific attitude, to help you control yourself in various contexts: in (or rather outside) marriage; in daily social interaction in the street or with neighbours; from a professional perspective, such as in dealings with a lawyer; or rather from a political perspective, as a councillor or ruler.[4]

The first text in the corpus is a Dutch translation of Albertanus of Brescia's *Ars loquendi et tacendi* (The art of speaking and keeping silent; 1245): an incunable printed by Geraert Leeu, dating from 1484 and entitled *Die konste om te leren spreken ende swighen alst tijt es*.[5] Albertinus' treatise on speech behaviour is also known by the title *De doctrina dicendi et tacendi* (On the doctrine of speaking and keeping silent).[6] Since there has been little study of the translation and no edition is available, the construction and content of the work is briefly described below. The structure of *Die konste om te leren spreken ende swighen alst tijt es* is based on six rhetorical points of reference, six 'conditions' (*condicien*): *quis, quid, cui, cur, quomodo, quando*, or: who speaks, what, to whom, why, how, and when does one speak in the right way. The first-person narrator ("*ick, Albertaen van Brixien*") clearly lists the things one should consider before speaking. In the discussion on *quis,* who speaks, the following questions are asked: is it really necessary that you interfere in a certain situation and do you have enough knowledge of the subject on which you wish to speak? The work contains recommendations such as: speak not if you are 'angry' (*toernich*). It continues with *quid*: what is it you are saying? Are they lies? Are your words mocking or slandering? The third condition is *cui*: to whom are you speaking? For example: don't get into a discussion with someone who is angry (do not squabble), since that is like throwing oil on the fire. In the case of *cur*, why are you speaking, the main consideration must be: are you speaking because the effects of your words will benefit your fellow

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[4]   J. REYNAERT, "*Alderhande proverbien vanden wisen Salomone*", in: *Klein kapitaal uit het handschrift-Van Hulthem: Zeventien teksten uit Hs. Brussel, K.B., 15,589-623*, ed. H. VAN DIJK *et al.* (Hilversum, 1992: *Middeleeuwse Studies en Bronnen* 33), pp. 153-163, at p. 153, and KINABLE, "Een wereldbeschouwelijke spiegel voor de leek: Codex Marshall 29", pp. 25-26. Kinable writes about the Italian influence on the Middle Dutch 'lay ethics' (*lekenethiek*). See REYNAERT, "Leken, ethiek en moraliserend-didactische literatuur", in particular pp. 24-27, for a historical background to secular ethics, and POWELL, *Albertanus of Brescia*, pp. 62-63, on the adapted character of the Albertanian works in the field of speech norms.

[5]   CASAGRANDE and VECCHIO, *Les péchés de la langue*, p. 81.

[6]   This analysis is based on MS The Hague, Koninklijke Bibliotheek, 1084 C 25. See on manuscripts with texts by Albertanus in the Low Countries, S. CORBELLINI, "Albertanus van Brescia in de Nederlanden", in: *Al t'Antwerpen in die stad: Jan van Boendale en de literaire cultuur van zijn tijd*, ed. W. VAN ANROOIJ (Amsterdam, 2002: *Nederlandse literatuur en cultuur in de middeleeuwen* 24), pp. 95-108 and 170-171.

man or God? This is followed by: how should one speak (*quomodo*)? In a controlled or unfiltered way? And as to the question when you should speak (*quando*), Albertanus encourages his reader to refrain in particular from imposing himself: speak only when someone gives you the opportunity to do so.

'Albertanian' works by Middle Dutch authors such as Jan van Boendale and Dirc Potter are also included in the corpus.[7] These are Boendale's *Melibeus* (1342), *Dietsche doctrinale* (1345), and *Der leken spieghel* (1325-1330) and Potter's *Mellibeus* (after 1415) and *Blome der doechden* (after 1415).[8] *Melibeus*, attributed to Boendale, and Dirc Potter's *Melibeus* draw on Albertanus' *Liber consolationis et consilii* (The book of consolation and counsel) in 1246, also known as *De Melibeo et Prudentia* (About Melibeo and Prudentia).[9] In addition, the *Dietsche doctrinale* (Dutch moral yeachings), probably by Jan van Boendale, is relevant because the text is an adaptation of Albertanus of Brescia's *De amore et dilectione Dei et proximi* (1238). Jan van Boendale's third book, *Der leken spieghel* (The laymen's mirror)*,* is also included in the analysis. Although Boendale does not appear to have used any of Albertanus' texts as a direct source, the work is characterised by a list of quotations from the

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[7]   Jan van Boendale and Dirc Potter can be typified as lay authors, and thus be distinguished from the authors from the ecclesiastical domain. But is it actually possible to draw a clear line between 'lay' and 'religious'? For example, Brother Jan van Brederode, author of *Des coninx summe*, was married before he entered the order of the Carthusians in Zeelhem, and he later chose to return to a lay existence. See VAN OOSTROM, "De erfenis van *Des coninx summe*", pp. 119-123. See in addition C. HOPKINS, *All Roads Lead to Lechery: Progressions into Sexual Sin in Some Late Medieval Manuals of Religious Instruction* (Utrecht, MA thesis, 2009), p. 87. In the context of the distinction between ecclesiastical and secular texts, Hopkins states that it has less to do with the dichotomy 'layperson' and 'cleric' than with the intention of the authors.

[8]   See REYNAERT, "Boendale of Antwerpse School?", on the authorship of *Melibeus* en *Dietsche doctrinale*, attributed to Jan van Boendale. For more on Boendale's *Melibeus*, see J. VAN LEEUWEN, "Mag Melibeus wraak nemen? Conflictbeheersing in Middelnederlandse moraliserend-didactische literatuur", *Queeste* 8 (2001), pp. 27-49; for more on *Dietsche doctrinale*, see REYNAERT, "Ethiek en 'filosofie' voor leken: De *Dietsche doctrinale*", and BANGE, *Moraliteyt saelt wesen*, pp. 217-218; for more on *Der leken spieghel*, see L. JONGEN and M. PITERS, "Nawoord", in: *Jan van Boendale*, Lekenspiegel: *Een leerdicht uit Antwerpen,* ed. L. JONGEN and M. PITERS (Amsterdam, 2003: *Griffioen*), pp. 207-220, and BANGE, *Moraliteyt saelt wesen*, pp. 211-214; and for more on both Potter's *Melibeus* and *Blome der doechden*, see VAN OOSTROM, *Het woord van eer*, pp. 244-268, S. CORBELLINI, Italiaanse deugden en ondeugden: *Dirc Potters* Blome der doechden *and the Italian* Fiore di virtù (Amsterdam, 2000: *Nederlandse literatuur en cultuur in de middeleeuwen* 22), pp. 134-146, and BANGE, *Moraliteyt saelt wesen*, pp. 205-207.

[9]   Both mention Albertanus, respectively in ll. 3461-3463 and ll. 43-54 (prologue); CORBELLINI, "Albertanus van Brescia in de Nederlanden", p. 97. According to POWELL, *Albertanus of Brescia*, p. 80, *Liber consolationis et consilii* is Albertanus' most popular work "because of its dramatic power".

same authorities, and the text is similar to two other texts from the corpus which are discussed below, *Den Duytschen Cathoen* (The Dutch Cato) and *Bouc van seden* (Book of morals).[10]

Jan van Boendale was born in Tervuren around 1285 and died in Antwerp, probably in 1351, both places were part of the duchy of Brabant in what is nowadays Belgium. As a court clerk and secretary of Antwerp City Council, he was at the centre of the judiciary and politics – not only at the city level, but also at the ducal level, since he also represented the city as a prosecutor. In Boendale's time, Antwerp was one of the top three most prominent cities in the region of Brabant.[11] Both *Melibeus* and *Dietsche doctrinale,* and at least one copy of *Der leken spieghel* are directed at the entourage of Jan III, Duke of Brabant (1300-1355). There is also a copy of *Der leken spieghel* dedicated to a councillor of Jan III, Rogier van Leefdale (1270-1333) and his wife Agnes van Kleef (1290-1338). However, that does not mean that the works were intended for and were read only by an aristocratic public, as Middle Dutch literature experts Dirk Kinable (on *Der leken spieghel*) and Joris Reynaert (on *Dietsche doctrinale*) confirm.[12] According to Joris Reynaert, the public of *Dietsche doctrinale* is 'urban-aristocratic', defined more in particular by the intellectual and moral training of the male descendants of the bourgeois upper layer of society, called to, or destined for, positions on the city council.[13] He bases this on Albertanus of Brescia's *De amore et dilectione Dei*, where the adaptor adopts and strengthens urban themes (law, government) from the source text.

Dirc Potter's *Blome der doechden* (*Virtuous Flowers*) definitely owes much, albeit indirectly, to Albertanus; it is also included in this corpus. His source, the Italian *Fiore di virtù*, is based on work by Albertanus.[14] *Fiore di virtù* is attributed to Tomasso Gozzadini who, as a notary public in Bologna, shared the same judicial background as Albertanus and Potter himself. This

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[10] For more on sources, see BANGE, *Moraliteyt saelt wesen*, p. 214. For *Der leken spieghel*, Jan van Boendale made use of the sources of *Den Duytschen Cathoen* and *Bouc van seden*: *Disticha Catonis* and *Liber facetus* respectively. In addition, Boendale made use of the Middle Dutch *Boec van Sidrac*, which is also included in the corpus.

[11] VAN OOSTROM, *Wereld in woorden*, p. 473.

[12] D. KINABLE, "De opdrachten in Boendales *Jans teestije* en *Der leken spieghel* als receptiegegeven", in: *Ingenti spiritu: Hulde-album opgedragen aan prof. dr. W.P.F. de Geest ter gelegenheid van zijn zestigste verjaardag*, ed. M. DE CLERQ *et al.* (Brussels, 1989), pp. 131-161; KINABLE, "Lekenethiek in Boendales *Jan teesteye*"; and REYNAERT, "*Alderhande proverbien vanden wisen Salomone*".

[13] REYNAERT, "*Alderhande proverbien vanden wisen Salomone*", p. 473.

[14] POWELL, *Albertanus of Brescia*, p. 5.

work formed a diptych together with Potter's *Mellibeus,* also in manuscripts produced later.[15] Dirc Potter moved in Dutch circles during the same years as Dirc van Delft, the author of *Tafel vanden kersten ghelove,* dealt with in the previous chapter. Dirc Potter was not a court chaplain like Dirc van Delft, but a civil servant. He was appointed bailiff and President of the Court in The Hague in 1408, nowadays the capital city of the Dutch province of South Holland where the national government has its seat.[16]

The corpus further consists of a work which is also characterised by having made much use of both biblical and pagan authorities. It is, however, more theoretical in nature, and less adapted for lay practice than the 'Albertanian' works. This is the second book of *Gentse Boethius*. It is a translation of, and commentary on, Boethius' *De consolatione philosophiae* (in Middle Dutch *Vertroostinghe der filosofie*), printed by Arend de Keysere in 1485. The author and translator / commentator is an unknown person from Ghent (nowadays in the East Flanders province). An important source of the second part of *Gentse Boethius* is the *Manipulus florum* by Thomas Hibernicus (also known as Thomas the Hibernian), which has been characterised as "a compendium of authorities, listed by keyword", "intended as a sermon aid".[17] The exact relation with Albertanus of Brescia is unclear, but James M. Powell considers it likely that Albertanus used *De consolatione philosophiae* as a direct source.[18] Little is known about the audience of the Middle Dutch text. The prologue says that the author had a copy placed in the library of the chapter of canons dedicated to St. Pharaildis in Ghent. The characteristics of the surviving copies

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[15] VAN OOSTROM, *Wereld in woorden*, pp. 144-146.

[16] VAN OOSTROM, *Wereld in woorden*, p. 471.

[17] M. GORIS, "Inleiding", in: *Boethius in het Nederlands*: *Research into and Text Edition of de Gentse Boethius (1485), boek II*, ed. M. GORIS (Hilversum, 2000: *Middeleeuwse Studies en Bronnen* 72), p. 61. For an electronic edition of *Manipulus florum*, see http://web.wlu.ca/history/cnighman/index.html (09/05/2016). For practical reasons, I am concentrating on the second book, as it is the only one with an available edition. The main source for the entire work is Renier van Sint-Truiden, also the source for Colard Mansion's edition of Boethius' *Consolatio* in 1477; see M. GORIS and W. WISSINK, "The medieval Dutch tradition of Boethius' *Consolatio philosophiae*", in: *Boethius in the Middle Ages: Latin and Vernacular Traditions of the Consolatio Philosophiae*, ed. M.J.F.M. HOENEN and L. NAUTA (Leiden, 1997), pp. 121-166, at p. 145. Henceforth all quotations of *Gentse Boethius* are from book 2. For more on *Gentse Boethius*, see also M. GORIS, "Boethius' *De consolatione philosophiae*: Twee Middelnederlandse vertalingen en hun bronnen", in: *Verraders en bruggenbouwers: Verkenningen naar de relatie tussen Latinitas en de Middelnederlandse letterkunde*, ed. P.W.M. WACKERS (Amsterdam, 1996: *Nederlandse literatuur en cultuur in de middeleeuwen* 15), pp. 113-132 and 297-301.

[18] See POWELL, *Albertanus of Brescia*, pp. 77-78.

point in particular to a lay audience.[19] Apart from the use of the same quotations, there are other similarities between *Gentse Boethius* and the 'Albertanian' texts as well. *Melibeus* and *Mellibeus* (by Potter and Boendale respectively) are structured as a dialogue between a man and a woman, with the woman being the undeniable authority, and functioning as a counsellor (even though Melibeus himself is initially unimpressed by Prudentia). In both Boendale's *Melibeus* and Potter's *Mellibeus*, their adaptations of Albertanus' *Melibeo*, remarkable similarities with *Gentse Boethius* can be found. In *Gentse Boethius*, it is Lady Philosophy who teaches and counsels Boethius' character. In Boendale's *Melibeus* and Potter's *Mellibeus*, Prudentia / Prudencia, the wife, counsels her husband.[20]

Another compilation work is included in the Middle Dutch secular-ethical corpus, which attaches great importance to harmful speech behaviour: *Sottenschip* (1500). It is an adaptation of the famous and widely-distributed *Narren Schiff* by the lawyer Sebastian Brant, from 1494.[21] This text also consists largely of quotations from the well-known authorities on wisdom, in particular Solomon and Seneca.[22] The work deals with social wrongdoings, where the perpe-

[19] W. WISSINK, "'*Dolinghe der consciencien*': Adviezen voor een gerust geweten in de *Gentse Boethius*", in: *Wat is wijsheid?*, pp. 337-352 and 456-463, at p. 341.

[20] Boendale names the main characters Prudentia and Melibeus, while Potter uses a different spelling: Pruden*c*ia and Mel*l*ibeus.

[21] Just as in the case of *Die konste om te leren spreken ende swighen alst tijt is*, there is no longer an edition of *Sottenschip* available, and I base my analysis on the ed book Rotterdam, Bibliotheek Rotterdam, 48 H 2 (Antwerp, Marie Anxt, 1548), and the facsimile of this print, *Sebastian Brant,* Der Sotten schip, ed. L. GEERAEDTS (Middelburg, 1982). For this facsimile, this print was chosen because it is very similar to the first published version and also contains a unique series of woodcuts. The first Dutch publication dates from 1500 (the first German publication dates from 1494) and bears the name of Guy Marchant, or in Dutch Guide Coopman. *Sottenschip* is based mainly on the Latin adaptation by a student of Brant's and differs noticeably from *Narren Schiff,* even though the adaptation was realised in collaboration with Brant, according to L. GEERAEDTS, "Nawoord", in: *Sebastian Brant,* Der Sotten schip, ed. L. GEERAEDTS (Middelburg 1982), pp. 7-54. For images and a transcription of *Narrenschiff* (1494), see: http://www.elbracht.nl/brant/ brant_frameset.htm (09/05/2016]. For more on *Sottenschip* and *Narrenschiff,* see PLEIJ, *Het gevleugelde woord*, pp. 265, 271, 469, 509, 598, 655, and BANGE, *Moraliteyt saelt wesen*, pp. 240-241. See also M. FOUCAULT, *Geschiedenis van de waanzin in de zeventiende en achttiende eeuw*, pp. 17-23. In his study of the history of insanity, Foucault states that 'ships of fools' can be seen throughout Europe at the end of the fifteenth century. See A. STILL, *Rewriting* The History of Madness (New York, 1992), pp. 88 and 174, for criticism of Foucault's view of ships of fools.

[22] E.H. ZEYDEL, "Introduction", in: *Sebastian Brant*, The Ship of Fools, ed. E.H. ZEYDEL (New York, 1944), pp. 15-16. Sebastian Brant indicates explicitly that *Narrenschiff* is a compilation, or *gesamlet*. Favourite sources include Proverbs and Ecclesiasticus from the Old

trator of those wrongdoings is called a *sot* ('fool'). The book contains 117 chapters, each based on a motto, a woodcut, and an explanation of the motto. The explanation consists of two components. First, an anonymous narrator is introduced. The last word is left to the 'teacher' (*leeraer*) who, admonitory finger raised, succinctly repeats the moral of the story in rhyme.

In addition to these 'quotation texts' (collections of statements by a specific group of *auctoritates*), the secular-ethical corpus of this book consists of writings constructed from a list of recommendations by a single authority on wisdom, who is also an important contributor to the above-mentioned works.[23] First to be included in the corpus is *Den Duytschen Cathoen*, a Middle Dutch edition from 1500, which was published by Henrick Eckert van Homberch in Antwerp.[24] The work consists solely of advice attributed to Cato.[25] *Bouc van seden* is said to have functioned as a supplement to *Disticha Catonis*; it also consists of a list of recommendations, and for that reason is included in the corpus.[26] It is a Middle Dutch adaptation of *Facetus* (twelfth century), origi-

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Testament. Brant also makes regular use of quotations attributed to Cato and Seneca.

[23] Such texts are often described as 'conduct literature'. See, e.g. K. ASHLEY and R.L.A. CLARK, "Introduction: Medieval conduct: Text, theories, practices", in: *Medieval Conduct*, ed. K. ASHLEY and R.L.A. CLARK (Minneapolis and London, 2001), pp. IX-XX, and *Medieval Conduct: Anthology of Vernacular Guides to Behaviour for Youths, with English Translations*, ed. M.D. JOHNSTON (Toronto, 2009: *Medieval Academy Books* 111), the latter being an anthology of medieval conduct literature in French, English, German and Italian. These texts targeted first the aristocracy and then the bourgeoisie. Harmful speech behaviour is a frequently recurring subject in conduct literature. See R.L. KRUEGER, "Teach your children well: Medieval conduct guides for youths", in: *Medieval Conduct Literature*: *An Anthology of Vernacular Guides to Behaviour*, ed. M.D. JOHNSTON (Toronto, Buffalo, and London, 2009), pp. IX-XXXIII, at p. XV.

[24] The only remaining copy is in MS The Hague, Koninklijke Bibliotheek, 229 G 16. The manuscript contains translations of *Disticha Catonis* handed down in the 'Enaame codex' (or 'Oudenaarde codex') from 1290 or shortly afterwards, and in the Comburg manuscript from 1380-1425, a paper manuscript from after 1450 and three fragments. There are also other sixteenth- and seventeenth-century Cato translations which have been handed down in print.

[25] For more on *Den Duytschen Cathoen,* see A.M.J. VAN BUUREN, "Inleiding', in: *Den Duytschen Cathoen: naar de Antwerpse druk door Henrick Eckert van Homberch*, ed. A.M.J. VAN BUUREN, in collaboration with O.S.H. LIE and A.P. ORBÁN (Hilversum, 1998), pp. 1-32, and BANGE, *Moraliteyt saelt wesen*, pp. 228-229; on *Boec van Catone,* see A.M.J. VAN BUUREN, "'Der clerken boec moeten si lesen': De *Disticha Catonis* en de *Boec van Catone*", in: *Wat is wijsheid?*, pp. 70-85 and 373-380.

[26] J. JANSSENS, "Herman Pleij en de hoofse literatuur: Een confrontatie", in: *Neerlandistiek.nl* 9 (2009), May issue, p. 5; BANGE, *Moraliteyt saelt wesen*, pp. 228-229; and T. MEDER, "Gepast gedrag: Ethiek en ethische motivaties in de *Boeken van zeden*", in: *Wat is wijsheid?*, pp. 86-100 and 380-384, at pp. 87-90. Meder calls these works "brother and sister to each other" (*Bouc van seden* is said to be more social and courtly). Jeff Janssen (JANSSEN, "Herman Pleij en

nally from a manuscript from 1380-1424, and consists of practical recommen-
dations for a lay audience – in particular for men as 'future breadwinner'.[27]
Both *Den Duytschen Cathoen* and *Bouc van seden* have been characterised as
school texts (for use in teaching at home and in schools, particularly in the
education of future merchants), but they were also intended for private use.[28]
According to Frits van Oostrom, *Boec van seden* and *Den Duytschen Cathoen*
are intended as 'practical education' for the late medieval citizens of the afflu-
ent middle class.[29] The students were principally trained for a secular working
life as traders, lawyers, or city councillors – not to become priests.

Lastly, *Boec van Sidrac* (Book of Sidrac), written in the first quarter of the
fourteenth century, is also included in the analysis. The work fits well with the
other texts, because the authority cited, Sidrac, may well be Ecclesiasticus, also
known as The Wisdom of Jesus the Son of Sirach, often quoted in the Alber-
tanian texts.[30] This secular-ethical text does deviate somewhat from the other
texts, in that it does not consist of a list of quotations but is constructed from
questions and answers. All the information is provided by the sage Sidrac, who
is introduced as a descendant of Noah, known from the Old Testament.[31] Sidrac
answers a variety of questions put to him by King Boctus, king of Bactorije
(Bactria, a region in the north east of present-day Afghanistan), and at the same
time he makes a number of interesting observations on improper words, obser-
vations which resonate in the texts from the rest of the secular-ethical corpus.
The work is a translation of the French text *Sydrac le Philosophe: Le livre de
la fontaine de toutes sciences* from the thirteenth century. The translator is
anonymous, but is known to have come from Antwerp. The work belongs in
the same circles as the afore-mentioned works by Jan van Boendale.[32] The

de hoofse literatuur", p. 5) indicates that *Facetus* and its adaptations, including the Middle Dutch
Bouc van seden, should not be regarded as 'mere' etiquette booklets, but as works which testify
to a social vision.

[27] MEDER, "Gepast gedrag", pp. 87-89. See also PLEIJ, *Het gevleugelde woord*, pp. 85-86.
The analysis is based on a manuscript from 1380-1425, of which the 'original' date is unknown.

[28] VAN BUUREN, "'*Der clerken boec moeten si lesen*'", pp. 79-84 (*Duytschen Cathoen*), and
MEDER, "Gepast gedrag", pp. 87-89 (*Bouc van seden*).

[29] VAN OOSTROM, *Wereld in woorden*, p. 29.

[30] O.S.H. LIE *et al.*, "Inleiding", in: *Het boek van Sidrac: Een honderdtal vragen uit een
middeleeuwse encyclopedie*, ed. O.S.H. LIE *et al.* (Hilversum, 2006: *Artesliteratuur in de Neder-
landen* 5), pp. <check>, at p. 10. It could also refer to Sadrach, a wise companion of the Old
Testament Daniel.

[31] LIE *et al.*, "Inleiding", p. 10.

[32] BANGE, *Moraliteyt saelt wesen*, p. 210; O.S.H. LIE, "Seksualiteit en de middeleeuwse
leek: Over de seksuele ethiek in het *Boec van Sidrac* en haar cultuurhistorische context", in: *Wat*

author of *Boec van Sidrac* is seen by experts of Middle Dutch literature as belonging to what is known as the 'Antwerp School' (closely associated with Jan van Boendale), which is linked to a cluster of texts from Antwerp in the first half of the fourteenth century.[33] *Boec van Sidrac* has been handed down in twelve manuscripts. The work first appeared in print in 1495 and has been reprinted far into the sixteenth century, no less than eleven times by different printers. The extensive tradition is proof of the popularity of this work in the Low Countries.[34] The translator of *Sidrac* seems to have been aiming at a broad lay audience. He indicates that he has omitted certain elements from the source text because they would be too complicated for his public.[35]

4.3 Improper Words I: Speaking Foolishly

4.3.1 Speaking Foolishly as Harmful Speech Behaviour

The Tongue as an Ambivalent Organ

"Go to the market and get the best food you can find to serve to my guests", was the order given to Aesop by Xanctus in *Aesop's Fable of the Tongues.* Much to Xanctus' surprise and anger, Aesop returned home with a bag full of pigs' tongues. Aesop explains that the tongue *is* the best food. The tongue is capable of teaching one's fellow man and building societies. The next day, Aesop was again sent to the market, but this time he was to bring back the worst food he could find. Once more, Aesop returned home with a bag full of pigs' tongues. He explained to the dumbfounded Xanctus why: the tongue is capable of deceit, divisiveness and the complete destruction of cities. Accord-

is wijsheid?, pp. 116-131 and 389-394; and LIE *et al.*, "Inleiding".
    [33] W. VAN ANROOIJ, "Literatuur in Antwerpen in de periode ca. 1315-1350, een inleiding", in: *Al t'Antwerpen in die stad*, pp. 9-16 and 159-160, at pp. 12-13. See J.J. MAK, "Boendale-studies", *Tijdschrift voor Nederlandse taal en letterkunde* 75 (1957), pp. 257-290, on *Boec van Sidrac* and *Der leken spieghel*.
    [34] A. BOELE, *Leden van één lichaam: Denkbeelden over armen, armenzorg en liefdadigheid in de Noordelijke Nederlanden 1300-1650* (Hilversum, 2013: *Middeleeuwse Studies en Bronnen* 113), p. 57.
    [35] LIE, "Seksualiteit en de middeleeuwse leek: Over de seksuele ethiek in het *Boec van Sidrac* en haar cultuurhistorische context", pp. 128-131; *Boec van Sidrac*, prologue, ll. 125-133. See also VAN OOSTROM, *Wereld in woorden*, p. 46.

ing to him, there is nothing in the world more harmful than that which man can achieve when he uses his tongue to speak.[36]

The tongue is an ambivalent organ. That is the image in this fable, quoted in *Sottenschip* (1500). The tongue is capable of both very virtuous and very evil acts. There is no more honourable work than the act of speaking, nor more evil work. *Sottenschip* is not alone. There are several points in the corpus at which the tongue is said to have the potential both for great good and for great damage.[37] According to *Sottenschip,* the tongue is intended to sing God's praises and communicate man's thoughts to others. Any abuse of this God-given gift is therefore entirely reprehensible. Harmful speech behaviour has to do with the opposite: it is a perversion of God's original intention behind the human capacity for speech:

> *Het is nochtans een grote onbekentheit ende beestelicheit inden mensche, dat hi dat ledt dat hem God tsijnder eeren ende verchiersele boven allen dieren ghegeven heeft – dat is die tonghe dye Hi ghegeven heeft om Hem hier tijtelic ende inden hemel eewelijck te loven ende te dancken ende ons begrijp deen den anderen te kennen te geven – is ombetaemelic misbruyct tot alder onreynicheyt ende oneeren ende nemet inden mont dat hi in die hant niet en soude willen nemen.*[38]

It is, however, a great incivility and savageness in a human being, which indecently abuses the body part that God has granted him above all animals to His honour and

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[36] *Sottenschip,* chapter 19, g2r. This fable is known worldwide. For a Middle Dutch prose version of this fable, see *Het ongelukkige leven van Esopus*, ed. W. KUIPER and R. RESOORT (Amsterdam, 1990: *Griffioen*), pp. 37-40. My thanks to Samuel Tabas for bringing the existence of this Aesop fable to my attention.

[37] See also *Boec van Sidrac*, question 77, p. 77. In line with the theme of the ambivalence of the tongue, there are three points in the corpus at which it is stated that the tongue can provide both friendship and enmity: *Melibeus*, in the edition *Nederlandsche gedichten uit de veertiende eeuw van Jan van Boendale, Hein van Aken en anderen: Naar het Oxfordsche handschrift uitgegeven*, ed. F.A. SNELLAERT (Brussels, 1869), chapter 59 "*Hoe die soene ghemaect waert*" ("how reconciliation is being made"), ll. 3728-3733 and ll. 3734-3739; *Die konste om te leren spreken ende swighen alst tijt is*, fourth condition of *quomodo* ("how one speaks"), b8v; and *Gentse Boethius*, p. 220, ll. 59-62. Compare MAZZIO, "Sins of the tongue", p. 57. In addition to the sources from the corpus of Mazzio's study, Erasmus begins his *De lingua* (1525) by addressing the tongue directly as an ambivalent organ. He bases this on Plutarchus' *De garrulitate*. See also the biblical sources of the proverb referred to in the introduction: "The tongue breaketh bone though itself hath none". In this context, it is interesting to note that in the Bible text associated with the proverb, Ecclesiasticus 28: 17, the destructive capacity of the tongue is featured, and in Proverbs 25: 15 the healing and soothing capacity.

[38] *Sottenschip*, chapter 69, t2v-t3r.

splendour – that is the tongue that He has given to praise and thank Him on earth
as in heaven and to make known to each other our thoughts – to obscene and
dishonourable purposes and takes hold of in his mouth what he not would get into
his hands.

The passage cited from *Sottenschip* states that the tongue is a gift from God. It
reports that incorrect use of the tongue is an abuse of the God-given gift. In
fact, harmful speech behaviour is even bestial. It also states that God gave the
capacity of speech to man above all creatures. The prose version of *Spiegel der
sonden* too finds it important that the tongue be tamed, because it is the noblest
part of the body, equipped to praise the Lord ("*abelste ten love ons heren*").[39]
According to the wise Sidrac in *Boec van Sidrac*, anyone who speaks bad
words (blasphemous in this case) is no better than a beast.[40]

Speaking Foolishly Is Uncontrolled Speech

But what are, according to *Sottenschip* and the other secular-ethical texts
of the corpus, the other 'abuses' of the tongue? What is speaking foolishly?
There was once a wise man, of whom was asked if he perhaps missed 'wis-
dom', since he was always quite taciturn. The wise man answered: on the con-
trary, it is the fool who cannot keep quiet. This example can be found in
Albertanus of Brescia's *Die konste om te leren spreken ende swighen alst tijt
is*, but also receives a mention in Jan van Boendale's *Dietsche doctrinale* as
well as in *Gentse Boethius*.[41] In the secular-ethical texts, 'foolish' (*sot*) is
placed directly opposite the adjective 'wise'. Together, the two terms form a
binary opposite. In Boendale's *Dietsche doctrinale,* wisdom is contrasted with
speaking foolishly: "*Dat sprekens getimpertheit es ene grote wijsheit*" ("con-

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[39] *Spieghel der sonden* (prose version), col. 246, ll. 14-19.
[40] *Boec van Sidrac*, question 92, p. 86.
[41] *Die konste om te leren spreken ende swighen alst tijt is*, 2nd condition of *quis* ("who is
speaking"), a3v-a4r; *Dietsche doctrinale* book 1, chapter '*Van spraken ende tonghen te be-
dwinghene*' ('About speech and controlling the tongue'), ll. 334-339; and *Gentse Boethius*, p.
174, ll. 55-57. Only in the quotation from *Gentse Boethius,* the wise man receives a name:
"Solomon, a great philosopher". See also *Die konste om te leren spreken ende swighen alst tijt
is*, 3rd condition of *quomodo*, b8v: '*Ende in veel woerden vintmen sotheyt*' ('And in uncontrolled
speech one finds foolishness'). In the case of people who are inclined to speak volubly, there is
more to be feared from their foolishness than from their wisdom.

trolled speech is a great wisdom").[42] Knowing when to stop speaking is very wise, so says the quotation attributed to Seneca. *Gentse Boethius* uses these words to support its recommendation to speak in a controlled way: "*Also dwater dieper es, zoot stiller es ende min beroert*" ("the deeper the water, the more quiet and undisturbed it is").[43]

Rational Connotation of Speaking Foolishly

Uncontrolled speech means two different things. First, according to the corpus, a foolish speaker does not always consider rationally his words before uttering them. The commentary of *Gentse Boethius* characterises the speech behaviour of a 'fool' as follows:

> Solomon: "*De zot seit en sprect zo wat hy weet, de wijse verbeidt tijd ende stond*". Ambrosius, De officiis: "*Zwighen es eene werdeghe dijnc, daermen met sprekene gheinen oorboer doet*". Macrobius: "*De philosophen werden niet min zwighende dan sprekende wijs*".[44]

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[42] *Dietsche doctrinale* book 1, chapter '*Van spraken ende tonghen te bedwinghene*', ll. 312-313. See also *Der leken spieghel*, in the edition *Jan van Boendale, Der leken spieghel: Leerdicht van den jare 1330*, ed. MATTHIAS DE VRIES, 3 vols. (Leiden, 1844-1848), book 3, chapter 3 '*Hoe hem die mensche houden sal onder die liede ende alrehande wijshede*' ('How people should behave among other people and miscellaneous knowledge'), ll. 36-39 (Proverbs 10: 19); *Den Duytschen Cathoen*, in the edition *Den Duytschen Cathoen: Naar de Antwerpse druk van Henrick Eckert van Homberch*, ed. VAN BUUREN *et al.*, *dictum* 3, pp. 38, pp. 15-18; *Melibeus*, chapter 12 '*Van sprekene*' ('About speaking'), ll. 1025-1026; and *Melibeus*, chapter 15 '*Prudentia antworde op sotheyt*' ('Prudentia gives an answer concerning foolishness'), ll. 1342-1342; *Dietsche doctrinale* Boek 1, chapter '*Van spraken ende tonghen te bedwinghene*', ll. 196-199; and *Die konste om te leren spreken ende swighen alst tijt is*, second condition of *quis* ('who is speaking'), a4r.

[43] *Gentse Boethius*, p. 174, ll. 53-54. See also *Blome der doechden*, in the edition *Dat Bouck der Bloemen: Handschrift der XVᵉ eeuw*, ed. S. SCHOUTENS (Hoogstraten, 1904), sixth flower, *toerne* ('anger'), pp. 39-43: '*Hij is wijs die ghene ijdel worde spreket*' ('He is wise who does not speak idle words'); and *Sottenschip*, chapter 19, g1v-g2r. The motto explains that a fool is characterised by his speech behaviour. In the same way as the magpie reveals her young by its chattering, the fool reveals himself by his words ("*Als dexter schatert so wroechse haer jonghen, die sot die wroeghet met sijnder tonghen*").

[44] *Gentse Boethius*, p. 174, ll. 35-43, quoting Solomon: Proverbs 20: 7. See also *Gentse Boethius*, p. 219, ll. 24-27, in which volubility is again examined. This discourse links controlled and uncontrolled speech three times with wisdom and foolishness respectively. Compare also *Dietsche doctrinale* book 1, chapter '*Van spraken ende tonghen te bedwinghene*', ll. 200-204. The speaker is harmed by speaking in an ill-considered manner ("*onversien*").

Solomon: "The fool blurts out everything he knows, while the wise man bides his time". Ambrosius, *De officiis*: "Keeping quiet is honourable, whereas speaking affords no benefit". Macrobius: "Philosophers are more likely to become wise by keeping quiet than by speaking".

The reason for this discourse is that Lady Philosophy, in her conversation with Boethius, waits briefly before answering, and weighs Boethius' words carefully – "*Daernaer zweegh zou een lettel*" ("after that she kept silent for a while"). She leads by example: think before you speak.

In *Die konste om te leren spreken ende swighen alst tijt is*, Albertanus of Brescia too recommends weighing each word. This can be achieved by anticipating any potential damage and irreversible effects caused by the words:

> *Salomon die spreeket aldus: "Dijn woerden selt ghi maken een ghewichte ende uwen mont selt ghi maken rechte breydels. Ende hoert wel nauwe toe dat ghi niet en valste in ghebreeke dijnre tonghen ende dat uwen valle niet en is ongheneselick".*[45]

> Thus said Salomon: "You will make your words a weight and watchfully put bridles on your mouth. And be careful not to make mistakes with your tongue and that your fall is not irremediable".

Consideration is necessary, because words are like arrows shot at great speed. They rarely return, according to *Die konste om te leren spreken ende swighen alst tijt is*:

> *Item die woerden gheliken dat gheschutte die gheringhe uut geschoten wort, mer niet geringhe en comense wederom. Ende daerom plachmen te segghen:* "Evolat emissum irrevocabile verbum". *Dats aldus te segghen: "Twoert vliecht uut ende en coemt nymmermeer weder".*[46]

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[45] *Die konste om te leren spreken ende swighen alst tijt is,* second condition of *quis* ('who is speaking'), a4r, referring to Ecclesiasticus 21: 25 ("The lips of talkers will be telling such things as pertain not unto them: but the words of such as have understanding are weighed in the balance"). See also the introductory words in *Die konste om te leren spreken ende swighen alst tijt is,* a2v; *Die konste om te leren spreken ende swighen alst tijt is*, fifth condition of *quis* ('who is speaking'), a4v-a5r; and *Gentse Boethius*, p. 219, ll. 34-35.

[46] *Die konste om te leren spreken ende swighen alst tijt is,* fifth condition of *quis* ('who is speaking'), a5r. See also *Gentse Boethius*, p. 357, ll. 793-795, and *Gentse Boethius*, p. 219, ll. 38-40, about wasting words on indiscreet speakers, as they do not remember the right ones and words cannot be taken back.

Words equate arrows that are loosened at high speed, but are not likely to return. And that is why one might say: "*Evolat emissum irrevocabile verbum*". In other words: "The word flies onward and never comes back".

According to a quotation from Horatius, speaking is easy, the word "flies out of the mouth". However, once spoken, a word cannot be taken back without having hit its mark: it never returns to where it came from. Following on from *Boec van Sidrac*, Boendale states in *Der leken spieghel* that speaking comes easy naturally, but the consequences can have a long-term negative effect (Boendale probably means consequences for the speaker):

Want een woort is zaen ontvloghen,
daer men langhe om moet doghen:
te sprekene hoort grote hoede.[47]

Because a word is easily escaped, for which accordingly one has to suffer for a long time: to speak is to be very cautious.

A person should therefore tame his tongue and use it sparingly. The words 'slowness' versus 'haste' are used several times in that context in the corpus. Boendale, for example, says: "*Die sine tonghe dwingt vander haest / dat hi Gode es alder naest*" ("who forces his tongue not to make haste, is nearest to God") and "*Dat si* traghe *ter spraken si*" ("that she [the tongue] is slow in speaking").[48]

In order to convince the audience of the importance of carefully weighing one's words before uttering them, both *Die konste om te leren spreken ende swighen alst tijt is* and *Boec van Sidrac* use a bird as a metaphor, the cock and the crane respectively.[49] The controlled 'speech behaviour' of the cock is worth imitating, according to *Die konste om te leren spreken ende swighen alst tijt is*.

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[47] See also *Der leken spieghel,* book 3, chapter 3 '*Hoe hem die mensche houden sal onder die liede ende alrehande wijshede*', ll. 11436-11438. See also ll. 36-38.
[48] *Dietsche doctrinale* book 1, chapter '*Van spraken ende tonghen te bedwinghene*', respectively ll. 226-227 and l. 293 (italics MV). See also l. 296 (haste in understanding) and *Dietsche doctrinale* book 2, chapter '*Noch van rade*' ('More about advice'), ll. 2137-2144 (more haste, less speed); *Dietsche doctrinale* book 2, chapter '*Noch van rade*', ll. 316-317, where a judge is addressed specifically; *Die konste om te leren spreken ende swighen alst tijt is*, second condition of *quomodo* ('how does one speak'), b7v; *Gentse Boethius*, p. 357, l. 794; and *Sotten-schip*, chapter 19*,* g2r.
[49] See also M.D. VELDHUIZEN, "Wees een haan: *Die konste om te leren spreken ende swighen alst tijt is*", *Vooys: Tijdschrift voor letteren* 34.2 (2016), pp. 126-129.

The cock beats himself three times with his wings before he crows.[50] In *Boec van Sidrac*, as part of the answer to the question "Who is better, the talker or the one keeping silent?", Sidrac states that man should be like a crane. To be more precise, man should have a neck like the crane, since Sidrac compares speaking with the distance travelled from the inner self to the tongue. The longer the neck, the farther the words have to travel before 'emerging'. He goes into explicit detail about how one may increase that distance. Man should 'consider' (*bepensen*) whether or not words should be expressed.[51] As long as words are not expressed, they are incapable of causing any harmful effect on reality. *Boec van Sidrac* emphatically points to the harmful potential of words. Expressing words causes much harm and much ado. Keeping quiet tempers anger and seldom causes regret:

> *Spreken es dicke zere berouwen ende ter grooter noosen ende scaden comen; maer van swigene es menege grote abolge gelegen ende menege gramscap gevelt, ende swigen es selden berouwen.*[52]

> To speak is often to regret and will result in great noise and damage; but by being silent, wrath is subdued many a time and multiple situations of anger dissolved, and to be silent is seldom to be sorry.

Moral Connotation of Speaking Foolishly

Speaking foolishly or with a lack of control, however, is not only a matter of ill-considered and impulsive speech. In addition to a rational connotation, speaking foolishly also has a moral connotation – it is possible to speak foolishly in an informed and fair-minded way. Speaking foolishly is explicitly linked to the secular-ethical categories of 'volubility' or 'idle speech' (*vele sprekens* or *ydel spreken*).[53] For example, *Sottenschip* dedicates a chapter to 'volubility' or *multiloquium*.[54] According to Boendale in *Dietsche doctrinale,* volubility leads to sin.[55] He quotes from Proverbs 10: 19 ("In the multitude of

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[50] *Die konste om te leren spreken ende swighen alst tijt is,* introductory words in a2v.
[51] *Boec van* Sidrac, question 270, p. 167.
[52] *Boec van* Sidrac, question 270, p. 167.
[53] *Sottenschip*, chapter 19, g1v.
[54] *Sottenschip*, chapter 19, g1v.
[55] *Dietsche doctrinale* book 1, chapter '*Van spraken ende tonghen te bedwinghene*', ll. 340-351. See Proverbs 10: 19: "*In multiloquio non deerit peccatum, qui autem moderatur labia sua*

words sin is not lacking: but he who refrains his lips is wise"). In the chapter entitled *Hoe hem die mensche houden sal onder die liede ende alrehande wijshede* ('How man should behave among other people and various learnings') in *Der leken spieghel,* Boendale states that volubility leads to sin.[56] The link between volubility and sin can be found in other secular-ethical works, such as *Die konste om te leren spreken ende swighen alst tijt is*, Boendale's *Melibeus*, Potter's *Mellibeus* and *Sottenschip*.[57] These works also quote Proverbs 10: 19.

According to Jan van Boendale in *Dietsche doctrinale,* controlling the tongue is necessary because otherwise the speaker could have a negative influence on his fellow man. It is wise to control the tongue, because words can harm friends and damage their reputations.[58] Continuing on this theme, in a passage in *Dietsche doctrinale* Boendale introduces a 'teacher', who says that wise speech behaviour implies that one should take into consideration one's fellow man, which is even more important than telling the truth. One should always tell the truth, unless the truth could harm someone ("*daert niemans scade en ware*").[59] In *Die konste om te leren spreken ende swighen alst tijt is*, too, there is emphasis on the speaker needing to take account of his fellow man. Prior to speaking or keeping quiet the speaker should have anticipated the effects of the words spoken not only on himself, but also on the other person. One should not speak, if one's words could wrong someone else:

> *Item ten neghenden mael "wilt ghi wel spreken", soe besiet dat ghi gheen onrechte en versmadende woerden en sprekes of en doet, want het is ghescreven inden rechten: "Veel luden doet hi onrecht, die enen man onghelijck doet".*[60]

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prudentissimus est" ("In the multitude of words sin is not lacking: but he who refrains his lips is wise"). See also *Sottenschip*, chapter 19, g4, and *Die konste om te leren spreken ende swighen alst tijt is*, third condition of *quomodo* ('how does one speak'), b8v.

   [56] *Der leken spieghel*, book 3, chapter 3 '*Hoe hem die mensche houden sal onder die liede ende alrehande wijshede*', ll. 189-190. See also ll. 37-39 and ll. 929-938, and in addition the 'religious motivation' for controlled speech in *Dietsche doctrinale*, book 1 '*Van spraken ende tonghen te bedwinghene*', ll. 222-227.

   [57] *Die konste om te leren spreken ende swighen alst tijt is*, second condition of *quomodo* ('how does one speak'), b7v. See also *Melibeus*, chapter 12 '*Van sprekene*', ll. 1031-1032 and chapter 15 '*Prudentia antworde op sotheyt*', ll. 1347-1348, and *Sottenschip,* chapter 19, g1v-g2r.

   [58] *Dietsche doctrinale* book 1, chapter '*Van spraken ende tonghen te bedwinghene*', ll. 322-329.

   [59] *Dietsche doctrinale* book 1, chapter '*Van spraken ende tonghen te bedwinghene*', ll. 346-347.

   [60] *Die konste om te leren spreken ende swighen alst tijt is*, ninth condition of *quid* ('what

The ninth way of "wanting to speak correctly", thus be careful not to speak illicit and slanderous words or do so accordingly, because it is written in law: "Many people he does injustice, when doing injustice to one man".

Words should always be at the service of one's fellow man, according to *Gentse Boethius.* It cites the following examples of good speech acts: counselling, comforting, admonishing, learning, and teaching. The interests of the other person should be to the fore when one speaks. By contrast, uttering 'idle' words has a corrupting, perishing effect, according to a *dictum* attributed to Seneca.[61]

In the construction of speaking foolishly as opposed to wisely, someone who fails to filter his words, in a moral sense, is also morally depraved as a person. An explicit link is made between a person's speech behaviour and its moral inner self, as can be seen in the following passages. In the paragraph *Van wijsheiden* ('About wisdom') in *Melibeus,* Prudentia indicates that 'wisdom' can see the difference between good and evil:

> *Wijsheyt can sien, des sijt vroet,*
> *dondersceet tusschen quaet ende goet*
> *ende datmen ter doghet sal tien*
> 840 *ende dat quade altoes vlien.*[62]

> Wisdom can discern, be sure about that, between good and evil and (therefore) one will be drawn to virtue and always flee from evil.

According to *Sottenschip,* 'evil talk' ruins decency.[63] During a discourse in the commentary on idle speech and the virtue of keeping quiet in *Gentse Boethius*, volubility is said to influence greatly the inner health of the speaker, and upset not only the brains and the spirit, but also the heart.[64] The harmful potential for the fellow man of the speaker of foolish words is grave, Potter emphasises, be-

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is speaking well'), a8r-a8v.

[61] *Gentse Boethius*, p. 220, ll. 51-58. This is quoted in a framework of quotations about idle speech and the virtue of keeping silent, and the beneficial effect of speaking gently, 'sweetly'.

[62] *Melibeus*, chapter '*Van wijsheiden*' ('About wisdom'), ll. 837-840.

[63] *Sottenschip*, chapter 69, t2v-t3r, Ecclesiasticus 5: 17 and 1 Corinthians 15: 33. This chapter of *Sottenschip* deals with a form of unchaste (*onreynichlic*, *onsuverlick*) speech.

[64] *Gentse Boethius*, p. 220, ll. 64-65. See also *Die konste om te leren spreken ende swighen alst tijt is*, second condition of *quis* ('who is speaking'), a3v. See also *Der leken spieghel,* book 3, chapter 3 '*Hoe hem die mensche houden sal onder die liede ende alrehande wijshede*', ll. 671-678.

cause he is even more foolish on the inside than he appears on the outside.[65] The speaker of foolish words is flawed. In line with this, Dirc Potter states that one can make a moral assessment of someone, based on what he says. A wise person is characterised by speaking sparsely:

> *Hij is wijs die ghene ijdel worde spreket, want bij den worden merct men den man ende verneempt wat hij in heeft.*[66]

> He is wise who does not speak idle words, because one recognises a person by the words and detects what he is like on the inside.

According to Potter, a person is wise if he speaks no idle words. One can understand a person through the words he speaks, and see inside him. It is reminiscent of the expression 'Speech is the picture of the mind' or '*Wie Mund, wie Herz*'. A variation of this image can be found in chapter 69 of *Sottenschip*:

> *Die leeraer seyt aldus:*
> *"Onsuyvere tonghe onsuyveren sin heeft,*
> *want elck vat uut gheeft nae dattet in heeft.*
> *Wildy dan reynich sijn ende cuysch bevonden,*

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[65] *Blome der doechden*, twelfth flower, *dwaesheit* ('foolishness'), p. 44. The idea of foolish speakers being potentially harmful to their fellow man is indirectly supported by warnings by Potter and Boendale against fools in general. The advice is to simply avoid them. In Boendale's *Melibeus*, Prudentia addresses interaction with fools, and advises Melibeus to avoid them. Prudentia describes the fool as a grave potential danger. She notes that avoiding a fool is the behaviour of a wise man. A wise man can have no rest while he is in the company of a fool. *Melibeus*, chapter 22 '*Wies raet men scuwen sal*' ('Whose advice you should ignore'), ll. 1741-1751. See also *Blome der doechden*, twelfth flower, *dwaesheit* ('foolishness'), p. 44, for an example of the sad fate of the rich and beautiful virgin Perna, who made the mistake of not avoiding a fool.

[66] *Blome der doechden*, sixth flower, *wijsheit* ('wisdom'), p. 41. See also *Den Duytschen Cathoen*, *dictum* 3, p. 38, ll. 15-18: talking too much "*voeghet nyemant goeders wale*" ("does not grace a good person"). VAN BUUREN, *Den Duytschen Cathoen*, p. 48, states that the passage is about losing your reputation. But is there really an effect on reputation here? The meaning of the word *voeghet* ('comply') is essentially neutral, in the sense of 'being in accordance with a certain situation or occasion'. One can also comply with God. The line between reputation and soul is perhaps not so rigid, because the harmful speaker is seen by both God and his fellow man as someone who is not pure inside. Incidentally, in *Boec van Sidrac* the relation between speech behaviour and inner self in women is remarkably different to that of Potter, who writes in gender-neutral terms about this. According to Sidrac, a loud woman who mocks and jokes, is not bad, while a quiet woman often turns out to be so (*Boec van Sidrac*, question 239, pp. 154-155).

hebt herte, tonghe ende u ledt ghebonden".[67]

> Thus says the teacher: "Impure tongue has (reveals) impure personality, because every vessel gives what it's filled with. If you want to be pure and be considered to be chaste, restrain you heart, tongue and private parts".

The teacher, who is given the floor at the end of each chapter, states that someone who uses dirty language will also be dirty on the inside. Here, too, control plays an important part. Because if you want to be pure, and be seen to be chaste, keep your heart, tongue, and penis under control.

4.3.2 Speaking Foolishly as a Grace-Threatening or Face-Threatening Act

You would expect, in the secular-ethical domain, to find the emphasis mainly on harmful speech as a face-threatening act. However, just as in the texts from the ecclesiastical domain, speaking foolishly is emphatically presented as being an act which is a grace-threatening act for the speaker. In the same way as we saw in the texts on the sins of the tongue, the tongue (and variations such as mouth and lips) has a crucial role in the protection of the soul. For example, it says in *Melibeus*: *"Salomon seyt: 'Die houdt sinen mont, hoedt sine ziele talre stont'"* ("Solomon says: 'Anyone who keeps guard on their mouth, preserves his soul at all times'").[68]

Sottenschip sees teeth and lips as a welcome barrier, keeping words inside. *Sottenschip* continues to explain that this double lock is necessary, since many people have been destroyed by sinful talk.[69] The image in *Gentse Boethius*, too, speaks volumes about the great risks the soul runs from foolish speech behaviour: no-one saves his treasure in an open casket.[70] In addition, the following

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[67] *Sottenschip*, chapter 69, t3r. This saying can also be found in the *Antwerps liedboek,* p. 447, as the closing lines of a piquant song. The description of the song according to *Dutch Songs Online* http://www.liederenbank.nl/liedpresentatie.php?zoek=1795&lan=en (09/05/2016): 'A young man meets a page at the city walls, late at night. The page turns out to be a girl dressed up. They make love' (translated from the Dutch by Lizzie Kean).

[68] *Melibeus,* chapter 12, '*Van sprekene*', ll. 1027-1028, and chapter 15, '*Prudentia antworde op sotheyt*', ll. 1343-1344; *Dietsche doctrinale* book 1, chapter '*Van spraken ende tonghen te bedwinghene*', ll. 196-199; and *Die konste om te leren spreken ende swighen alst tijt is*, second condition of *quis* ('who is speaking'), a4r: (quotation from Proverbs 3: 13). See also *Sottenschip*, chapter 19, g2r.

[69] *Sottenschip,* chapter 19, g2r.

[70] *Gentse Boethius*, p. 174, ll. 43-47. Keeping quiet – here as a contrast to speaking foolishly

comparison is quoted in *Gentse Boethius*, Boendale's *Dietsche doctrinale* and *Die konste om te leren spreken ende swighen alst tijt is*:

> *De philosophe zeit: "Zo wie zijnen mond houdt die wacht zijne ziele, ende hij es als eene opene stat of zonder muer, zo wie hem vele sprekers niet hoeden can".*[71]

> The philosopher says: "Anyone who can keep a guard on his mouth preserves his soul, while anyone who cannot control his volubility is like an open city, or without a wall".

The comparison between someone with no self-control and a city without walls derives from Proverbs 25: 28, but is not attributed to Solomon in *Gentse Boethius*, but rather to "the philosopher", which probably alludes to Aristoteles. The digression on speech behaviour takes place within the context of Lady Philosophy's remark "*wij sullen dij stede van sprekene gheven*" ("we shall give you the opportunity to speak"). It is given to Boethius by Lady Philosophy to underpin his complaint about Fortuna. Attached to this passage, a discourse is held in the commentary, l. 25, on "*datmen zonder redene of cause niet spreken zal*" ("that one should not speak without cause or reason"). Foolish speech acts like bragging and squabbling, discussed in more detail below, are equally a potential danger to the speaker's soul. In comparison, *Boec van Sidrac* points to the harmful effects on the soul of uncontrolled, contentious speech.[72]

In *Dietsche doctrinale,* Jan van Boendale presents foolish speech behaviour as a face-threatening act for the speaker. When a person speaks without first listening carefully, a speech act described by Boendale as explicitly foolish, he is guilty of degrading himself (*confusen*). Listening carefully before speaking encompasses nothing less than "your honour".[73]According to this passage, considering one's words is crucial for a good first impression. Imagine, you are seated at the table with people you do not know. If you "speak volubly" ("*te vele spraect*"), you can make a bad first impression which threat-

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– forms the treasure chest of heart and conscience ("*des herten ende der consciencien*").

[71] *Gentse Boethius*, p. 219, ll. 25-27. See also *Dietsche doctrinale* book 1, chapter '*Van spraken ende tonghen te bedwinghene*', ll. 186-191, and *Die konste om te leren spreken ende swighen alst tijt is*, second condition of *quis* ('who is speaking'), a3v.

[72] *Boec van Sidrac*, question 305, pp. 180-181. In addition to the 'soul', Sidrac also mentions 'God' and the 'body'.

[73] *Dietsche doctrinale* book 1, chapter '*Van spraken ende tonghen te bedwinghene*', respectively ll. 302 and 307. See also *Der leken spieghel*, book 3, chapter 3, '*Hoe hem die mensche houden sal onder die liede ende alrehande wijshede*', ll. 7-12.

ens your 'face'. This type of speech behaviour evokes the image of someone who is uncivilised, drunk, or foolish. Indeed, Boendale goes on to say, there is a serious risk of committing a transgression.[74]

4.3.3 Variables in the Speech Situation: Men and Women

The degree of foolishness of certain words is affected by the speech situation (Hymes) in which the speech utterance occurs. For example, whether the subject, recipient or speaker is male or female is a relevant variable in the speech situation. *Sottenschip* (chapter 69) refers explicitly to male speakers, as becomes clear from the comment that, in addition to the heart and tongue, the penis too must be kept under control. Especially the combination of gender and 'degree of respect' ensures scabrous utterances having a severe 'damage impact' on the female subject. The chapter deals with a fool who uses "*quade ende oneerbare spraken*" ("evil and dishonourable speech"). The context makes clear that it concerns mainly sexual innuendo. A certain type of victim, the respectable woman, is mentioned specifically in this chapter: "*Elc sals hem dan wachten ende sonderlinge vrouwen si eerbaer gherekent sijn*" ("Everyone shall keep guard and especially women who are considered to be honourable").[75] Women who have a reputation for being respectable, should be careful when they are spoken about in an impure manner. The degree of the harmfulness of words is thus determined by the variables of 'woman' and 'respectable'. Scabrous remarks made about a woman whose status is not respectable will have little or no threatening effect on her 'face'.

In addition to the woman as subject, *Sottenschip* deals in chapter 48 with the woman as recipient – in particular in her position as wife. It is foolish, and even bad, to tell a woman secrets, according to the motto:

> *Die haer secreet ende heymelijcken raet,*
> *haer wijven ontdecken sijn sot oft quaet.*[76]

Who discloses their secrets and hidden desires to their wives, are foolish or evil.

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[74] *Der leken spieghel*, book 3, chapter 3, '*Hoe hem die mensche houden sal onder die liede ende alrehande wijshede*', ll. 929-936.

[75] *Sottenschip*, chapter 69, t2v-t3r.

[76] *Sottenschip,* chapter 48, f.o2v.

The picture shows a man lying with his head in a woman's lap. The woman is cutting his hair off with scissors. She is laughing. The accompanying text identifies these figures as Samson and Delilah, from Judges 13-16, in the Old Testament.[77] The bible story is used as a deterring example of the potential consequences of telling secrets to a woman. The knowledge that Samson gave Delilah, when he confided in her that his strength was in his hair, was used by her to deliver him into his enemies' hands. In short, to quote Cato: "*Tsecreet van uwer herten en wilt nemmermeer uwen wijve te kennen gheven*" ("Never reveal the secret of your heart to your wife").[78] This concerns big secrets – those on which someone's life or reputation depends ("*daer yemants lijf ofte eere aen hangt*"). By contrast, in the case of domestic secrets, in respect of family relations ("*die den huysen aencleven oft aengaen*"), women can be good confidants, according to *Sottenschip.*

Chapter 45 of *Sottenschip* discusses a specific type of speech act linked, in the Middle English literary tradition, to female speakers: 'chatting' (*clappen*) in a particular setting, that of the church.[79] However, the speakers are not further characterised here as women. *Boec van Sidrac* states that a loud woman who mocks and jokes, is not evil, while a quiet woman often turns out to be so.[80] This does not concur with the image of speakers who are morally reprehensible due to their garrulous speech behaviour, or the idea that holding one's peace is wise and morally honourable.[81] By contrast, in *Blome der doechden,* the noisy speakers are the ones who are morally reprehensible and dangerous. And finally, in *Blome der doechden,* in the treatment of the sin of 'vainglory', we are introduced to the 'bragging type' (*roemer*), implicitly characterised as a man addressing male listeners. According to Potter, the braggers tell wild stories about women and think that this will earn them respect and credibility – "*eert ende gheloeft menen te wesen*".[82]

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[77] Appendix 4.

[78] *Sottenschip,* chapter 48, f.o2v-o3r.

[79] *Sottenschip*, chapter 43, n1v-n2v.

[80] *Boec van Sidrac*, question 239, pp. 154-155.

[81] *Blome der doechden*, sixth flower, *wijsheit* ('wisdom'), p. 41; *Sottenschip*, chapter 69, t3r; and *Den Duytschen Cathoen*, dictum 3, p. 38, ll. 15-18: talking too much "*voeghet nyemant goeders wale*" ("does not grace a good person").

[82] *Blome der doechden*, thirty-fourth flower, *ydel glorie* ('idle glory'), p. 100.

4.3.4 Bragging and Bickering as Foolish Speech Behaviour

Bragging and bickering are two speech acts presented as foolish in the texts from the secular-ethical domain. These speech acts are discussed below, with special attention to two aspects. First, bragging and bickering are presented as forms of uncontrolled behaviour, in which the moral connotation of the lack of control is emphasised. The second aspect is that of the specific reason behind these speech acts, namely the malicious source. In the discussion on generosity or 'nobility' (*edelheit*), Potter characterises a 'bragger' (*roemer*) as someone who describes himself as noble, explicitly as "an honest fool".[83] Dirc Potter states in his treatment of the virtue of wisdom, in *Blome der doechden*: "*Hij is wijs die hem selven niet te vele en beroempt*" ("He is wise who doesn't praise himself to often").[84] Just as in the characterisation of foolish speech behaviour in general, braggers are typically lacking in control. Potter describes in two places how the words of braggers 'burst' out of their mouth, as it were. An internal pressure pushes the words out. They just *have* to speak. The "spirit of the stomach", their inner being, makes them do so:

> *Die van natueren roemers sijn, die moeten spreken of bersten. Van worden sijn sij vol, soe hem die gheest hars buycs dwinghet te spreken.*[85]

> Those who are braggers by nature, have to speak or burst. They are full of words, as the spirit of their stomach force them to speak.

According to Potter, braggers no longer have any control over their words. They are simply incapable of keeping the words in or filter them.

In addition to bragging, bickering is explicitly noted in the secular-ethical domain as being foolish speech behaviour. While bragging is characterised by expressing personal information about oneself, bickering is uttering unfavourable personal information about someone else. It should be mentioned here that

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[83] *Blome der doechden*, fourth flower, *onscamelheit* ('shamelessness'), p. 114. See also *Boec van Sidrac*, question 302, p. 183. In answer to Boctus' question "Which folk are the worst braggers?" Sidrac lists the top three notorious braggers. Two of those are explicitly called fools.

[84] *Blome der doechden*, eleventh flower, *wijsheit* ('wisdom'), p. 41. A person is wise, if he does not praise himself too much – a little self-aggrandisement is permitted.

[85] *Blome der doechden*, fortieth flower, *onscamelheit* ('shamelessness'), p. 114. See also *Blome der doechden*, twentieth flower, *hoverdie* ('pride'), p. 65, and *Gentse Boethius*, p. 174, ll. 60-61 (a verbose lawyer must "speak or break" – from Bernardus van Clairvaux, *De consideratione*).

the relevant passages concern a specific context of bickering, namely the verbal provocation (often unjustified) of another person and the attack on their good name. Any time the speech sin of bickering is referred to in this chapter, it should be construed as an uncontrolled verbal reaction (angry, accompanied by swear words) to an unjustified verbal attack on someone's good name.

Just as with the concept of the sins of the tongue, in the texts from the ecclesiastical domain, the malicious source of the speaker's inner drive is a relevant factor in labelling the speech acts of bragging and bickering as foolish. In *Blome der doechden,* Potter relates self-glorification to *superbia* ('pride'), just as in the ecclesiastical texts dealing with the sins of the tongue (see chapter 3). Self-glorification is the most important wheel on the wagon of pride.[86] According to Potter, the connection with pride makes self-glorification a serious offence, because he describes *hoverdie* ('pride') as one of the gravest sins.[87] In the case of the foolish speech act of bickering, there is also a sinful inner drive that is linked to another deadly sin, that of *ira* ('wrath'). The speech act of bickering is characterised by speaking in an angry state. This is apparent in the following passage from *Boec van Sidrac*, in which the sage Sidrac offers two remedies for coming to one's senses in a situation where someone has to repress the urge to fight or swear. Naturally it is a case of first considering the words, as seen in the discussion on the crane, and anticipating any possible harmful effects. However, in addition to this 'consideration filter', Sidrac also has another remedy for controlling one's speech. He recommends letting off steam verbally. This must take place in isolation, so that no-one is bothered by it.[88] In this, Sidrac assumes there is a connection between stomach, heart and mouth. The heat that is coming from his heart and his stomach ("*heetheit die hem leget opt therte ende inden buuc*") can now escape through the mouth.

In Boendale's *Melibeus*, a connection is made between wisdom and anger as a motivation for speaking. Anger 'upsets' or 'repels' (*ontset*) human wisdom, according to Prudentia in Boendale's *Melibeus*:

> *In disputatien of in ghedinghen*
> 1060 *suldi u redene so toe bringhen,*
> *dat ghi metter waerheyt gaet voert*

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[86] *Blome der doechden*, twentieth flower, *hoverdie* ('pride'), p. 65. Self-glorification, stemming from pride, is one of the seven ways that people are polluted by pride ("*die onreynicheit der hoverdien den minsche besmet*"). See also pp. 63-64 of *Blome der doechden*.

[87] *Blome der doechden*, twentieth flower, *hoverdie* ('pride'), p. 61.

[88] *Boec van Sidrac*, question 305, pp. 180-181.

> *ende dat ghi u oec niet en stoert:*
> *want ghestoertheyt, dat ghijt wet,*
> *des menschen wijsheyt zere ontset.*[89]

> In arguments, or in a court of law, you should convince your speech to tell the truth, and also to remain calm and controlled, because anger, just so you know, can prevent one from thinking clearly.

Gentse Boethius states that "the angry, vexed man is no longer aware of what he is saying" ("*de gramme ende ghestoordde niet zekers spreict*").[90] Potter states that "*ter stont wreken willen datment hen tonrecht doet*" ("instantly avenging those who do them wrong") is characteristic of fools. Fools are unable to rein in their anger in the way wise men can ("*dat sij haren torn niet veysen en konnen ghelijc den wijsen*").[91] Someone could actually have a justifiable reason to be angry and argue with someone else: situations in which he or she is treated unjustly, and has to deal with false accusations. And yet, even in such situations, a wise man stays calm. A wise man also stays in control of himself when – especially when – he is treated unfairly. He does not respond and he does not wants to get even.

As well as wrath, pride is also related to the inner drive of bickering words. According to *Gentse Boethius,* someone who bickers reveals his proud nature. It is a sign of vanity (an over-inflated ego?) when someone shows himself to be offended and launches a verbal attack. There is an interesting example to be found in *Gentse Boethius* about two philosophers, one of whom is revealed by his speech behaviour to be a fool. While one philosopher really is wise, the other (de "*gheveinsden philosophe*", the "fake philosopher") is just pretending to be wise. The fake philosopher shows his true, foolish nature by his uncontrolled verbal response to the provocative accusations of his conversation partner. At a certain point, he can no longer keep a lid on his words and can endure

[89] *Melibeus,* chapter 12 '*Van sprekene*', ll. 1059-1064. See also *Mellibeus*, in the edition *Mellibeus: Een geschrift van Dirc Potter,* ed. B.G.L. OVERMAAT (Arnhem, 1950)*,* chapter "*Hoe Mellibeo docht, dat Prudencia tornich scheen*" ("The way Mellibeus thought, which Prudencia thought was wrathful:"), p. 102. Mellibeus indicates that he is furious about what has been done to him, and that this is the reason he does not realise what he is saying. He is intent on vengeance, but Prudencia dissuades him. See also *Blome der doechden*, sixh flower, *toerne* ('wrath'), p. 27. Fools are unable to rein in their anger in the way wise men can.
[90] *Gentse Boethius*, p. 357, ll. 796-800. See also *Blome der doechden*, thirteenth flower, *temperancia* ('temperance'), p. 46. See also *Blome der doechden*, sixth flower, *toerne* ('wrath'), p. 27: wrath is a fool's behaviour.
[91] *Blome der doechden*, sixth flower, *toerne* ('wrath'), p. 27.

the offences no longer ("*schoufiericheit niet langher ghelijden*"). He may have the long beard of a philosopher, the texts says, but his incapacity to ignore false accusations belies his foolish inner self. His conversation partner says that is the result of an inner drive of pride – because he strives for "idle praise" instead of "the approval of his own conscience" ("*den lof van zijn consciencie*").[92]

Just as in *Gentse Boethius*, in *Melibeus* Prudentia makes a link between "pride and quarrelling" ("*twist ende parlement*"), opposites of humility and wisdom. By way of a quotation from Solomon (Proverbs 11: 2), Prudentia states that pride and quarrelling are connected:

2375   *Salomon seyt dese saken:*
    "Waer hoverde es, daer omtrent
    es altoes twist ende parlement
    ende daer oetmoet es vaste,
    daer es altoes wijsheyt en raste".[93]

    Salomon says about these matters: "Where pride is, there are always quarrels and disputes, and where there is apparent humility, there are always wisdom and rest".

Dispute forms a binary opposite with humility, wisdom and calmness. Potter makes a connection between quarrels and pride in his treatment of the *hoverdie* (pride) flower. Proud people are easy to provoke:

    Merct dit: waer vele hoverdiger lude sijn, daer valt vele kijfs ende tweedracht – dat en mach niet missen.[94]

    Notice this: where many proud people are present, there will be many quarrels and discord – which will happen for sure.

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[92] *Gentse Boethius*, p. 356, ll. 770-776. See also *Gentse Boethius*, pp. 353-354, ll. 667-678, and an example of the philosopher Cubert in Potter's *Blome der doechden*, pp. 130-131.

[93] *Melibeus*, chapter 39 '*Van hoverden*' ('about pride'), ll. 2375-2379. See also *Blome der doechden*, twentieth flower, *hoverdie* ('pride'), p. 62. Potter states that an uncontrolled angry response reveals a proud nature. See also *Mellibeus,* chapter '*Hoe Mellibeo docht, dat Prudencia tornich scheen*', p. 102.

[94] See also *Blome der doechden*, twentieth flower, *hoverdie* ('pride'), p. 62, and *Mellibeus,* chapter '*Hoe Mellibeo docht, dat Prudencia tornich scheen*', p. 102.

4.4 Improper Words II: Flattery and Slander

Two types of speakers are called dangerous in the following passage from Boendale's *Dietsche doctrinale*:

> *David inden Souter mede*
> *bidt Gode te menegher stede*
> *dat hine hoede van quaetsprekers*
> *ende van gheveinsden smekers,*
> 1655 *want oec hem daer ieghen en can*
> *wel ghehoeden gheen man.*[95]

> David prays many to times to God in the Book of Psalms to protect him from slanderers and flatterers, because no man can protect himself from them.

'Slanderers' (*quaetsprekers*) and 'flatterers' (*gheveinsden smekers*) have not yet been discussed in this chapter. Together, they form the second group uttering 'improper words'.

4.4.1 Flattery and Slander as Harmful Speech Behaviour

According to the texts from the secular-ethical corpus, the malicious source of the words is an important part of what makes flattery and slander 'improper words' – as with sinful words in the ecclesiastical domain and the 'foolish' words discussed above. Both speech acts are characterised by a specific deceitful intention, with words which are meant neither constructively nor sincerely: "*Zij zijnghen [sic] 'placebo' metter mond, maer draghen een valschen grond*" ("They sing '*placebo*' with their mouth, but their intentions are false").[96] *Placebo* means literally 'I shall please' and is a reference to Psalms 116: 9. Flatterers apparently say unselfish, kind things (with "*tschijn van oetmoedicheden*"), but do not mean them. They are not sincere, they have a "*valschen grond*". This reminds the commentator of a judgement by Origenes, in which he says

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[95]   *Dietsche doctrinale* book 2, chapter '*Van scuwene gheselscap ende vrienscap der gherre die vele spreken ende voert segghen*' ('About avoiding company and friendship of those who talk and gossip a lot'), ll. 1651-1656.
[96]   *Gentse Boethius*, p. 352, ll. 627-628. See Revelations 13: 8, and Jeremiah 51: 7 and 51: 57.

that 'flatterers' (*vleeuwers*) fill the pillows of their recipients with "sweet air" ("*zoeten winde*"). The head is lying gently on the inflated cushion, but the air itself is harmful. The "*wind des lovers is zo zoet, dat het dijn adren deurgaet ende therte in hemselven verheffen doet, hoe nedre dat ooc gheboghen es*" ("The wind of flatterers and sycophants is so sweet, that it runs through his [the one being flattered's] veins and lifts up his heart [i.e. makes him overconfident], so matter how humble it ws before").[97] According to the same commentary in *Gentse Boethius,* 'flatterers' (*vleeuwers*) characterist themselves by verbally justifying the bad behaviour of their fellow man. For example, they call wasters compassionate, misers thrifty, stubborn people steadfast, slothful people decent and prudent, they say arrogant people are full of good expectations of themselves and slanderers or 'chatterboxes' (*clappers*) are eloquent. 'Flatterers' (*lofansegghers*), according to *Gentse Boethius,* are even potentially fatal. They are, in the words of Augustine, more dangerous than the sword of murderers, than prosecutors.[98]

In chapter 7 of *Sottenschip,* the teacher emphasises the deceitfulness of flatterers. Wolves in sheep's clothing, that's what they are.[99] A discrepancy can be found between the hearts of these hypocrites and their seemingly innocent appearances.[100] They are people who look deceitfully sincere when they say, "My friend, guess what the neighbour – much as I like him – said about you ...". Potter and Boendale, too, underline the deceitful nature of flattery. Flatterers and sycophants ("*Geveisden* (fake) *flatteres ende pluymstrijkers*") are concerned with pleasure rather than speaking the truth, according to Prudencia in Dirc Potter's *Mellibeus.*[101] Potter names the deadly sin of avarice as being the

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[97] *Gentse Boethius*, p. 352, ll. 611-619. Moreover, these forms of deceit are quickly distributed and soon picked up by others, according to Origenes (ll. 611-612).

[98] *Gentse Boethius*, p. 352, ll. 606-610. See also *Gentsche Boethius*, p. 352, ll. 608-610 (it is even preferable to have someone be unjustifiably admonished, than to have them praised for actual merits or characteristics). See also *Sottenschip*, chapter 95, A2v-A3r; the above-mentioned quotation by Boendale in *Dietsche doctrinale* book 2, chapter '*Van scuwene gheselscap ende vrienscap der gherre die vele spreken ende voert segghen*', ll. 1651-1656; and *Boec van Sidrac*, question 329, p. 190.

[99] *Sottenschip*, chapter 7, d2v.

[100] *Sottenschip*, chapter 7, d1r-d2r.

[101] *Mellibeus*, chapter '*Hier wijst vrouwe Prudencia wat raet men doen sal off laten*' ('At this point lady Prudencia explains what advice one should take or ignore'), pp. 70-71. For a passage on flatterers as counsellors, see *Mellibeus*, chapter '*Hier wijst vrouwe Prudencia wat raet men doen sal off laten*', p. 69. See also *Blome der doechden*, thirty-fifth flower, *scalckheit* ('deceitfulness'), p. 103. In *Blome der doechden,* Potter defines 'flattery' (*smeykerie*) as deceit whereby the recipient is disadvantaged. See also *Gentse Boethius*, p. 352, ll. 624-625. Using this

underlying intention. In actual fact, flatterers are only motivated by greed and selfishness.[102]

According to the corpus, defamation or slander is equally characterised by an evil, deceitful intention. For example, Potter deals with slander, just as flattery, in his discussion on the vice of *scalckheit* ('deceitfulness'):

> *Die scalcke poget altijt den anderen sijn eer af te trecken ende hem te verminderen van sijnen goede ende dat aen hem te trecken. Want ghij sult selden enen scalcken sijn hij en sal ghierich wesen ende al sijn vlijt keeren om goet te vercrighen.*[103]

> The deceiver alway tries to dishonour others and to reduce their possessions in order to add these to his. Because you will seldom see a deceiver who is not greedy and will do anything to gain goods.

He typifies the deceiver as someone who always tries to diminish another's respect. He is furthermore intent on taking other people's possessions and using them for his own gain. Potter explicitly names an underlying motivation for the deceiver, that of *giericheid* ('avarice').[104] According to *Bouc van seden,* vengeance or hate are the slanderer's motives.[105] Question 329 of *Boec van Sidrac* states that the slanderer is intent on betrayal, evil and strife.[106] In his treatment of the vice of *quaetheit* ('evil'), Potter also deals with the harmful speech act of slander, or "*berespen om sijn doecht te vermynderen*":

> *Die quaede en meent niet dat yemant goet is ende siet hij doecht van eenen ande-ren, hij sallen berespen om sijn doecht te vermynderen, alsoe hij den goeden altoes*

characteristic (a deceitful intention), *Gentse Boethius* distinguishes between 'empty' praise and 'genuine' praise given, respectively, with an insincere and a sincere intention.

[102] *Blome der doechden*, thirty-fifth flower, *scalckheit* ('deceitfulness'), p. 103. See also *Dietsche doctrinale* book 2, chapter '*Hoe men vriende corrigeren sal*' ('How one should admonish friends'), ll. 2966-2970: Boendale, too, just as Potter, calls someone who speaks pretty words a 'deceiver'. He is as a poacher who traps innocent victims (Proverbs 6: 23).

[103] *Blome der doechden*, thirty-fifth flower, *scalckheit* ('deceitfulness'), p. 103.

[104] *Blome der doechden*, thirty-fifth flower, *scalckheit* ('deceitfulness'), p. 103.

[105] *Bouc van seden* in the edition *Van zeden: Een tweede Middelnederlandsch zedekundig leerdicht, uit het Comburger handschrift*, ed. W.H.D. SURINGAR (Leiden, 1892), p. 15, ll. 497-500. Envy is often associated with slander. See CRAUN, *Lies, Slander and Obscenity in Medieval English Literature*, pp. 137-138, where Craun calls hate the "root vice" of slander (*detractio*) in his discussion of John Gower's *Confessio amantis*. See also L. VAN DER WIJDEN, *Scheve ogen in de Lage Landen: De functie en betekenis van afgunst en jaloezie in Middelnederlandse teksten* (Utrecht, 2011), p. 116, on *detractio* in *Die pelgrimage vander menscheliker creaturen*.

[106] *Boec van Sidrac*, question 329, p. 190.

hatet. Ende dat is een prove des goeden levens, want wanneer du den bosen be-
ghinst te behaghen, soe meshaechstu Gode. Ende alstu den bosen meshaghes, soe
moechstu weten dattu doecht beghinst te vercrighen. Die ghene die dij goede
berespen of bespotten, dat sijn rechte viande Gods. Die den anderen doechdelijken
wil berespen oft vermanen, die salt hem openbaer segghen ende en sal hem achter
sijnen rugghe niet becallen.[107]

The evil man does not consider anybody to be good and if he sees virtue in some-
one, he will admonish him in order to lessen his virtue, as he never fails to hate
good people. And this proves whether you live a good life, that is, when you start
to please the wicked, you displease God. And when you displease the wicked, that
is when you know you start to grow in virtue. Those who admonish or mock the
good are plain enemies of God. If anybody wants to admonish or rebuke someone
in a virtuous way, he shall tell him face to face and not talk behind his back.

An evil person is characterised, among other things, as someone who criticises
a good person in front of other people, in order to diminish the other's virtue in
their eyes. A rather perfidious perception of mankind lies behind this: the evil
person hates the good person and simply cannot accept that someone is virtu-
ous. Potter suggests this is a good way to test your own moral norms. When
you begin to take pleasure in evil behaviour, you know you are acting sinful.
Those who criticise and mock good people (*berespen* or *bespotten*) are truly
enemies of God. If you want to criticise people who are misbehaving, the best
way is to say it to their face, not behind their back.

In the discussion in *Blome der doechden* on the virtue of *oetmodicheit* ('hu-
mility'), a binary opposition is also created between criticising in the absence
and in the presence of the other.[108] Potter's *Mellibeus*, *Bouc van seden* and
Sottenschip all characterise slander with this element.[109] *Die konste om te leren*
spreken ende swighen alst tijt is also recommends addressing the fellow man
directly on the subject of any inaccuracies. When one sees injustice in word
and deed, one should not only *castyen* ('chastise') oneself, but also the other:

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[107] *Blome der doechden*, thirty-first flower, *quaetheit* ('evil'), pp. 98-99.
[108] *Blome der doechden*, nineteenth flower, *oetmodicheit* ('humility'), p. 60.
[109] *Mellibeus*, chapter '*Hoe een sijnen raet niet openbaren sal*' ('How one should not
disclose his secrets / plans'), p. 68; *Bouc van seden*, ll. 467-473; and *Sottenschip*, chapter 96,
A2v-A3r. For more on slander, see also *Sottenschip*, chapter 69, t2v (in which slander is called
"*onder couten*").

Ende niet alleen en selt ghi u selven castyen van onghelijcken woerden ende wer-
cken, mer koenstu, ghi selt oeck den ghenen teghen gaen die ander luden mit woer-
den ofte mit wercken verongheliken willen.[110]

And not only chastise yourself for any words and deeds which might wrong an-
other, but if you are able to, you shall also stand up to others who try to disadvan-
tage their fellow man in word and deed.

Praise and Criticism

As indicated above, flattery is a form of praise and slander is a form of
criticism. What makes the speech acts harmful, is that, in the case of flattery,
praise is expressed directly to the recipient, while criticism, in the case of slan-
der, is expressed behind the subject's back. Both speech acts are presented as
binary opposites of virtuous forms of praise and criticism. The table below
shows that the two harmful speech acts can be distinguished from two harmless
speech acts by the characteristics of praise / criticism in presence / absence of
the subject.

	Speaking to the subject	*Speaking behind the sub-ject's back*
Praise (positive personal information	Flattering [harmful]	Praising someone to an-other [not harmful]
Criticism (negative per-sonal information)	Admonishing [not harmful]	Slander [harmful]

Flattery and slander are often presented as strict opposites of two other
speech acts: 'praising someone to another' and 'admonishing'. An important
detail in this passage is that it concerns "*die doecht van goeden luden*" ("the
virtue of good people"). Virtuous praise must be based on something. At the
same time, Dirc Potter recommends caution when expressing criticism. Even
if someone is for example a criminal, you have to leave criticism to God, be-
cause we are only human.[111] Potter moreover adds the argument that you could

[110] *Die konste om te leren spreken ende swighen alst tijt is*, ninth condition of *quid* ('what
is speaking well'), a8v.
[111] *Blome der doechden*, thirty-fifth flower, *scalckheit* ('deceitfulness'), p. 104. See also

well make the same mistakes you accuse others of making. Strikingly, the element of truth or falsehood is of little importance in the speech acts of slander and flattery. The praise uttered by a flatterer may be true, just as the criticism uttered by a slanderer. So flattery and slander are not harmful because they involve lying. In language theory terms: the Gricean maxim of quality is not being breached.

Jan van Boendale makes no explicit distinction between expressing criticism directly to the subject and expressing it to others. According to a passage in *Dietsche doctrinale*, expressing criticism is wrong in any event. Even though the criticism is justified, one should not even criticise those who are behaving badly, because no-one is without fault.[112] He deals explicitly with speaking negatively to others about enemies. According to him, that is shameful and mean-spirited ("*scande en dorperheit*").[113] Boendale links flattery and slander with each other in a different way in *Der leken spieghel.* People who pay someone a direct compliment are the same people who say unfavourable things about him behind his back:

> Ja, dat doedi noch also wel,
> hem oec die u aldus prijs gaf
> 250   en gheloeft niet te bat daer af:
> al seidi voor u goet nu,
> hi seeght licht arch achter u.[114]

> Yes, even if you are behaving very well, do believe little of him who praised you: if he says good (things) in your face, he just as easily says bad (things) behind you.

Blome der doechden, thirty-first flower, *quaetheit* ('evil'), pp. 98-99.

[112] *Dietsche doctrinale* book 2, chapter '*Van scuwene gheselscap ende vrienscap der gherre die vele spreken ende voert segghen*', ll. 1667-1671. See also *Der leken spieghel*, book 3, chapter 3, '*Hoe hem die mensche houden sal onder die liede ende alrehande wijshede*', ll. 253-256.

[113] *Dietsche doctrinale* book 2, chapter '*Van scuwene gheselscap ende vrienscap der gherre die vele spreken ende voert segghen*', ll. 1677-1678. The word *scande* can refer both to the slanderer and the person being slandered.

[114] *Der leken spieghel,* book 3, chapter 3 '*Hoe hem die mensche houden sal onder die liede ende alrehande wijshede*', ll. 248-252. See also *Dietsche doctrinale* book 2, chapter '*Van scuwene gheselscap ende vrienscap der gherre die vele spreken ende voert segghen*', ll. 1651-1656. In the category 'people to be avoided', false flatterers ("*geveinsde smekers*") are mentioned in the same breath as slanderers. *Bouc van seden*, ll. 855-861. See also *Mellibeus*, chapter '*Hier wijst vrouwe Prudencia wat raet men doen sal off laten*', pp. 70-71: due to their potential for deceit, flatterers form a great danger for friendships. For a passage on flatterers as counsellors, see *Mellibeus*, chapter '*Hier wijst vrouwe Prudencia wat raet men doen sal off laten*', p. 69.

This is reminiscent of *Des coninx summe* (from the corpus in the previous chapter), in which flattery and slander are also explicitly linked, as two sirens.[115] In *Bouc van seden*, too, the flatterer is characterised as someone with "two tongues in the mouth": one tongue praises, and the other betrays. Flattery is associated with the metaphors water and fire. People with two tongues in their mouths carry water in one hand and fire in the other, because they commit treachery as soon as they are out of sight.

4.4.2 Flattery and Slander as Grace-Threatening and Face-Threatening Acts

Face-Threatening for the Subject

As is clear from the discussions on slander and flattery, what you say is not important, but to whom you say it is: do you speak directly to the one you want to criticise or behind his back? A contrast is thus created between a good and bad way of criticising. From a linguistic point of view, the propositional content of both speech acts are the same: in both cases it concerns the expressing of criticism. Criticising someone in the sense of slander means that the criticism is expressed to someone other than the person being criticised. Criticising someone in the sense of admonishing means the criticism is expressed directly to the subject. The difference between these two speech acts is connected to the perlocutional effect of slander (i.e. the negative variant of criticism): this act is face-threatening for the subject. The recipient will probably regard the subject less favourably as a result of the negative personal information. *Bouc van seden* and *Den Duytschen Cathoen* both agree that the threat of loss of face for the subject is the greatest danger of slander.[116] In *Blome der doechden*, Potter states that slander leads to being less liked and less credible:

> ... *wanneer yemant vanden anderen yet seit mit alsulcker meyningen alse om dat hij daer af te myn ghemint worde ende van mynre waerheiden gheheiten.*[117]

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[115] *Des Coninx Summe*, No. 146, p. 299.

[116] *Bouc van seden*, ll. 497-500. According to *Bouc van seden*, the subject would be shamed as a result of the speech act. See also *Den Duytschen Cathoen*, dictum 11, p. 39, ll. 7-10. *Den Duytschen Cathoen* describes 'slander' (*achtersprake*) as the spreading of rumours which shame others ("*de lieden tscanden maken*").

[117] *Blome der doechden*, thirty-fifth flower *scalckheit* ('deceitfulness'), p. 104. Potter's *detractio* is reminiscent of the effects of mockery in *Die konste om te leren spreken ende swighen*

... when someone says something about a person with the intention of [the person spoken of] becoming less loved and less credible / trustworthy.

Potter calls slander *detractio*, literally 'the removal of honour'.[118] His image shows that the threat of loss of face to the subject as a result of slander must not be underestimated. Potter presents this effect of slander as being extremely painful and dramatic. The 'diminishing' is similar to physically diminishing someone, as though bits of the slandered person had been bitten off.[119] The painful effects of slander are also addressed in *Boec van Sidrac*, where the gossip is described as a cannibal. King Boctus asks if people exist who eat other people. Sidrac answers that there is an abundance of such people and discerns two types of cannibal: thieves and slanderers. He explains that slander is as harmful as cannibalism:

> ... *want die ghene die quaet spreken vanden lieden ende diese te scanden ende te lachter bringen onder ander liede met haren quaden tongen, die doen alsoe groot quaet oft sy aten haer vleesch.*[120]

> ... because those who speak badly about the people and dishonour and shame them among other people with their evil tongues do as much wrong as if they had eaten their flesh.

In short, the face-threatening effect is described by both Potter and Boendale as very forceful, and comparable to physical pain. The concept of *detractio* is also mentioned in the discourse on the sins of the tongue. For example, slanderers are compared, in the moral theological text *Des coninx summe*, to hyenas that 'diminish' people in a very literal and gruesome manner. They dig up corpses to consume them.[121]

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alst tijt is (mockery is defined as a verbal form of criticism, at the expense of another). The effect of mockery is that the appeal of the subject diminishes, with severe consequences for the one who was mocked: *Die konste om te leren spreken ende swighen alst tijt is,* eleventh condition of *quid* ('what is speaking well'), b1r: "*Mindert die minne, soe vergaeste gheringhe*" ("When love disappears, you will perish soon"). Loss of appeal is moreover virtually irreversible, which serves to emphasise the gravity of diminished appeal.

   [118] *Blome der doechden*, thirty-fifth flower, *scalckheit* ('deceitfulness'), pp. 103-105. The loss of face is described (with a quotation from Saint Anselm) as "*te mijn ghemint worde ende van mynre waerheiden gheheiten*" ("becoming less loved and less credible").

   [119] *Blome der doechden*, thirty-fifth flower, *scalckheit* ('deceitfulness'), p. 104.

   [120] *Boec van Sidrac,* question 184, p. 126.

   [121] *Des coninx summe*, No. 149, p. 301. See VAN HOUDT AND LATHAM, "Detraction and de-

Dirc Potter also states that it is good to speak well of someone else:

Hij is wijs die doecht van goeden luden segget, want een man worter bij ghemint ende liefgetael.[122]

He is wise who speaks of the virtue of good people, because they will be loved and highly regarded because of it.

So it is fine to talk about someone else, as long as the propositional content is characterised by favourable personal information, since this will lead to perlocutional effects on the recipient, which are favourable for the subject. The subject will probably be held in higher regard as a result of the laudatory words. Lastly, in contrast to the grave face-threatening aspects, there are no grace-threatening effects on one's fellow man in the case of slander. The slandered person is in no way responsible for these improper words; he is merely the victim.

Grace-Threatening for the Subject

Flattering words can contain favourable personal information. Flattery is a form of expressing praise. For example, *Gentse Boethius* talks about flatterers as *lofansegghers* ('praise reporters'), expressing their praise directly to someone – as mentioned above.[123] According to a passage in *Gentse Boethius* attributed to Saint Jerome, this is a harmful form of praising, because it leads to negative perlocutional effects on the subject / recipient (they are here one and the same). The act is neither face-threatening nor grace-threatening for the subject, because Saint Jerome describes an internal change by the recipient of flattering words:

Saint Jerome: "De wind des lovers ende prijsers es zo zoete, dat hij dijn adren deurgaet ende therte in hemselven verheffen doet, hoe nedre dat ooc gheboghen es".[124]

rision", on *detractio* in the seventeenth century.
[122] *Blome der doechden*, eleventh flower, *wijsheit* ('wisdom'), p. 41.
[123] *Gentse Boethius*, p. 352, l. 606.
[124] *Gentse Boethius*, p. 352, ll. 610-612. The commentary deals with the striving for 'idle glory' which makes people more susceptible to flattery. See also *Sottenschip*, chapter 38, m1r. In this chapter, 'sweet' words should be taken to mean 'words which tempt someone into sinful

Saint Jerome: "The wind of flatterers and sycophants is so sweet, that it runs through his [the one being flattered's] veins and lifts up his heart (makes him over-confident), no matter how humble it was before".

It is also true to say that flattery can result in the most humble person being transformed into a proud person.[125] According to *Sottenschip*, flatterers are characterised specifically as people who tempt others with sweet words into sin. As a wet nurse tempts a child with milk, so shall sinners tempt man with "sweet, flattering words".[126]

Face-Threatening and Grace-Threatening for Listeners

Boendale points to the potential face-threatening effects for those who listen to slander. In other words: slander could be a face-threatening act not only for the slandered person, but also for the recipient. It is bad for the reputation of the listeners to be seen to associate with slanderers, because the outside world sees anyone listening to slander as an evil person. So Boendale's advice is: "*cum bonis ambula*" ("walk with the virtuous").[127] For Potter, slander is not a face-threatening act for the listeners, but a grace-threatening act. No-one should listen to people who are diminishing the standing of another. Malicious people enjoy listening to such talk, making them undoubtedly equally sinful to those uttering the slanderous words:

Want also die duvel dat toe stokende serpent Even uten paradyse dede vedriven [sic], soe verliest die aftrecken niet alleen sijn siel, mer mede des ghenen die nae hem hoert.[128]

ways'.

[125] See also *Blome der doechden*, nineteenth flower, *oetmodicheit* ('humility'), p. 60. Real humility is weaned of any need for praise or recognition, according to Potter. A humble person "is pleased to be scorned" ("*verblijt hem als hij versmaet wort*").

[126] *Sottenschip*, chapter 38, l4v-m1r. Proverbs 10: 10-11. These words should be interpreted as suggestions for evil, self-enriching acts, e.g. the setting of a trap for innocent people. See also *Sottenschip*, chapter 95, A2v-A3r, on flattery, and *Blome der doechden*, thirty-fifth flower, *scalckheit* ('deceitfulness'), pp. 103-104. Just as the New Testament Pharisees, flatterers pretend to be something they are not, says Potter. *Den Duytschen Cathoen*, dictum 55, p. 45, ll. 3-6. See also *Melibeus*, chapter 23 '*Datmen in rade scuwen sal smekers en volghers ende die hem veynsen*' ('That one should not confide in flatterers and opportunists and those who deceive'), ll. 1784-1787, with a passage on flattery in the sense of 'trapping innocents', and *Mellibeus*, chapter '*Hier wijst vrouwe Prudencia wat raet men doen sal off laten*', pp. 70-71. The quotation about the bird net derives from Proverbs 6: 23.

[127] *Der leken spieghel*, book 3, chapter 3 '*Hoe hem die mensche houden sal onder die liede ende alrehande wijshede*', ll. 149-166, in particular ll. 157-158. In addition to slander, Boendale lists: making jokes in bad taste, swearing, being quick to anger, and seeing vice as a virtue.

[128] *Blome der doechden,* thirty-fifth flower, *scalckheit* ('deceitfulness'), pp. 104-105. See

Because just as the devil had the trouble-making, sin-inciting snake ban Eve from paradise, both the slanderer and listeners forfeit their souls.

Face-Threatening and Grace-Threatening for the Speaker

Unlike in the texts from the ecclesiastical domain, and unlike in those on foolish speech behaviour from the secular-ethical domain, there is remarkably little attention for speech behaviour (in this case flattery and slander) as face-threatening and grace-threatening acts for the speaker himself. On the contrary, there is little mention of any harm at all to him.[129] Only Boendale, in *Der leken spieghel*, states that the speaker could suffer loss of face.[130] If someone learns something shameful about you, they can make you the subject of slander. *Sottenschip* states that flatterers get caught out in the end, and they generally end up on the gallows. In question 329, *Boec van Sidrac* emphasises that slanderers cause much damage, but they themselves get off scot-free:

> *Die coninc vraecht: "Salmen altoes scouwen die quaetsprekers?" Sidrac antwort den coninc: "Sekerlijc die ghene die quaet spreken sal altoes scouwen; ende die ghene diese mint hy mint des duvels busine. Want sy maken met haren quaetsprekene discoert onder die liede ende onder gebruedere; dair af comt mort ende verlies des lichamen ende der zielen. Die quaetspreker es seriant des duvels ende sijn sonderlinge knape ende en segt anders niet dan datti wille, dat es verranesse ende al quaet ende discoert onder die liede. Daeromme salmense haten ende scouwen boven alle dinc".*[131]

The King asks: "Should one avoid slanderers?" Sidrac answers to the king: "Surely [one] should avoid those who slander; and those who love them, love the trumpet of the devil. Because of their slander, they cause trouble among the people and brothers; that leads to murder and loss of body and soul. The slanderer is the ser-

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also D*ie konste om te leren spreken ende swighen alst tijt is*, ninth condition of *quid* ('what is speaking well'), a8v-b1r.

[129] *Sottenschip*, chapter 95, A2r. Note that a theological mistake leads to a judicial punishment.

[130] *Der leken spieghel*, book 3, chapter 3 '*Hoe hem die mensche houden sal onder die liede ende alrehande wijshede*', ll. 515-522. See also ll. 515-517. In *Der leken spieghel,* Jan van Boendale talks of "*goede maren*", which could well be interpreted as lies (ll. 518-522). Strictly speaking, this variant differs from the above-mentioned forms of slander, which are characterised by the expressing of unfavourable (or unsubstantiated) personal information to third parties.

[131] *Boec van Sidrac*, question 329, p. 190.

vant of the devil and his accomplice, and he says something different than he really thinks, that is treason and evil and causes trouble among the people. That is why one should hate and avoid them above all other matters".

The description of the slanderers themselves is interesting. They are the devil's sidekicks – particularly young males – who simply say what the devil wants, namely utterances which lead to people quarrelling and committing treachery and evil. The slanderers sew discord among the people, even among family members. Their words lead to murder and loss of body and soul. Listeners receive a bad press in *Boec van Sidrac* too, for loving gossip too much.

4.4.3 Variables in the Speech Situation

Subjects

The subject also bears some responsibility for the occurrence of the harmful effects of flattery and slander. His role is an important variable in the speech situation. Many of the recommendations within the secular-ethical corpus address the way in which the subject, the potential victim, deals with this category of dangerous people. They advise on what the nests of the evil one are ("*netten van den quaden*"), so one can avoid being caught in them, according to *Sottenschip*.[132] The best remedy against the harmful effects of foolish flatterers is a wary attitude. Every form or praise directed at someone should be treated with the utmost suspicion. Taking this advice, Octavian reared a horse at every flatterer and trampled him.[133] One should react with suspicion to every compliment, says Boendale in *Dietsche doctrinale*.[134] In *Den*

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[132] *Sottenschip*, chapter 38, l4v-m1r. See Proverbs 10: 15-19. Sinners will eventually be caught out. The fragment closes with them usually ending up on the gallows.

[133] *Sottenschip*, chapter 95, A1v-A2r. The text talks of 'inappropriate flattery'. It says that Octavian rebelled, every time a flatterer paid an unjustified compliment ("*pluymstrijckende tonpasse streeck*"). The motto of chapter 95 of *Sottenschip* applauds Octavian's method of beating off flatterers as exemplary for the target group. In the accompanying woodcut the flatterer, and not the recipient of the flattering words, is described as a fool (with fool's cap), and is being trampled by a horse.

[134] *Dietsche doctrinale* book 2, chapter '*Noch van rade ende hoe men dien soeken sal*' ('More about advice and how to find it'), ll. 2121-2234 and ll. 2191-2194. In *Der leken spieghel,* Boendale advises against believing any compliment whatsoever: *Der leken spieghel,* book 3, chapter 3 '*Hoe hem die mensche houden sal onder die liede ende alrehande wijshede*', ll. 243-252. See also *Blome der doechden*, thirty-fifth flower, *scalckheit* ('deceitfulness'), pp. 103-104,

Duytschen Cathoen, the behaviour of the subject (the potential victim) is char-
acterised in terms of foolishness and wisdom. Flattery is not typified as foolish,
but rather listening to it is:

15   *Als di yemant gheeft lof,*
     wes te blijder niet daer of.
     Die vroede merct ende verstaet
     eer hi van yemant lof ontfaet.[135]

> When someone gives you praise, do not be too happy about it. The sage notices
> and evaluates before he accepts praise.

It is not so that you may not hear any praise, states the commentator in *Gentse
Boethius*, it is just that you must be able to distinguish praise from flattery.
This passage indicates the consequences of flattering words for a specific cate-
gory: princes (*princhen*). Apparently they are particularly exposed to flatter-
ers.[136]

   In Potter's *Mellibeus,* Prudencia gives advice on how to deal with slander-
ers. The best defence against them is to use discretion in one's own weaknesses
– do not air your dirty laundry in public. She advises Mellibeus not to tell oth-
ers of his foolishness (the mistakes he has made). Someone might otherwise
pass the information on behind his back, and so discredit him.[137] Prudencia
goes on to explain why she advises discretion. The minute Mellibeus confides
in someone, he becomes dependent on that person. A quote by Petrus Alphonsi
expresses clearly the dependence relation. So long a person can keep his own
secrets, he is free. Should he fail to do so, he will find himself imprisoned. He
is a 'prisoner', because he is dependent on the willingness of his confidant to
refrain from passing on the face-threatening information. Moreover, Prudencia
adds severely, one cannot expect discretion from another, if one is incapable of

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and *Mellibeus*, chapter '*Hier wijst vrouwe Prudencia wat raet men doen sal off laten*', pp. 70-71.
Flatterers are people whom Mellibeus must avoid, and he must not take their advice.
   [135] *Den Duytschen Cathoen*, *dictum* 13, p. 39, ll. 15-18. See pp. 61-62<check> for an
explanation. See also *Sottenschip*, chapter 38, m1r. It says here that one must not listen to 'sweet'
words.
   [136] See also *Gentse Boethius*, p. 352, ll. 608-610.
   [137] The quotation derives from Ecclesiasticus 19: 8-9. *Mellibeus*, chapter '*Hoe een sijnen raet
niet openbaren sal*', p. 68*.* See also *Melibeus*, chapter 20 '*Van heymelijcheden niet te segghene,
en si om noet of om orbore*', ll. 1579-1591.

it oneself.[138] *Bouc van seden* also gives specific advice to potential victims of slander, and in doing so mentions an interesting variable in the speech situation. It concerns a specific group of people capable of passing on such information, and in whose company one should practise discretion. Discretion is recommended when in the company of *cnapen* ('sevants') who might serve one with food or drinks.[139] One should practise discretion not only outside the home, but also in the home. The bad servant is unlikely to speak ill of his master to his face, but one out of earshot, he is quite capable of *domen* ('gossip') – in other words of judging his master and uttering unfavourable things about him.[140]

The purport of the above may be that one cannot be cautious enough when dealing with slanderers, but according to *Sottenschip,* it is also wrong to take too much account of them (this behaviour of the subject is called "foolish", just as in the case of flattery). *Sottenschip* explains this by way of an unusual metaphor in its motto: flour to put in the mouths of slanderers to prevent them from saying another word:

> *Al hebbe ick meel boven duysentich ponden,*
> *en can ghestoppen quaet sprekende monden.*[141]

> Even if I were to have more than a thousand pounds of meal, I could not silence slandering mouths.

The intention of the motto could be not to make people overly cautious. The fool in this chapter is the person who tries to live carefully, for fear of slanderers, but in doing so neglects the good things in life. As Horace would have said: by avoiding one sin, he commits another.[142] For example, he no longer dares to kneel in church, for fear of appearing as a hypocrite, he does not give alms, and even stops going to church altogether. All for fear of having people think he is a hypocrite (*pijlaerbijter*, literally meaning 'biter of pillar').

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[138] *Mellibeus*, chapter '*Hoe een sijnen raet niet openbaren sal*', p. 68. See also *Melibeus*, chapter 20 '*Van heymelijcheden niet te segghene, en si om noet of om orbore*' ('do not disclose secrets, unless indispensable or for the common good'), ll. 1592-1601.

[139] *Bouc van seden,* ll. 461-466.

[140] *Bouc van seden,* ll. 467-473.

[141] *Sottenschip*, chapter 40, m2v-m3r. Although the purport differs, the motto in *Sottenschip* is to some extent reminiscent of the modern expression 'mealy-mouthed'.

[142] *Sottenschip*, chapter 40, m2v-m3r.

Hypercorrect behaviour should be avoided, but *Sottenschip* also recommends a different strategy for avoiding slander. Having "a good name and reputation" ("*goeden name ende fame*") is good protection against slanderers:

> Curam habe de nomine bono. *Sijt sorchvoudich om eenen goeden name ende fame te hebbene, want also Sinte Augustijn leert: "Een goedt leven is ons van noode voor ons selven ende eenen goede name voor onsen naesten".*[143]

> *Curam habe de nomine bono.* Take care of having a good name and reputation, because as Saint Augustine teaches: "A good life is necessary for us and a good name for our neighbours".

According to the quotation attributed to Saint Augustine, not only is your spiritual welfare important, your reputation is too. The illustration for this chapter effectively underlines the above-mentioned purport.[144] The idea that slandering words have no effect on someone with a good name is visualised by a large sack of flour standing next to a tall clock tower which has a fox's tail for a pendulum ("*een clocke die enen vossensteert een clepel heeft*"). When someone with a good name is slandered, the slandering words will have as little effect as the sound the fox's tail would make in a bell, as is explained in *Sottenschip*. In the chapter '*Vandes menschen zeden*' ('About people's mores') in *Der leken spieghel*, Boendale also addresses potential victims of slander, and describes the same effect of a good name as in *Sottenschip*. Boendale states also that the best protection against slander is a good name:

> *Daermen achter van hem sprect,*
> 140 *al seide ieman van hem quaet,*
> *een ander dat van monde slaet.*[145]

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[143] *Sottenschip*, chapter 40, m3r, "*Curam habe de nomine bono*" ("take care of a good name"): Ecclesiasticus 41: 15.

[144] Appendix 3.

[145] *Der leken spieghel* book 3, chapter 113 '*Vandes menschen zeden*' ('About people's mores'), ll. 139-141. Boendale uses a variant of the saying "striking the words from the mouth" ("*de woorden van de mond slaan*") from *Bouc van seden*, but this time in the context of advice on the listener's behaviour.

When someone speaks ill of him [of someone with a good name] behind his back, someone else will not allow it [literally: "strikes them from (the) mouth"].

Listeners

There are several sources in the corpus in which the focus is on those listening to slander, rather than on those committing slander. They are equally responsible for the harmful effects that can be caused by flattery and slander. Listening to slander will always receive strong disapproval. This listening behaviour is characterised in *Sottenschip* in terms of foolishness and wisdom:

So wie hem laten in de ooren blasen, moghen hem wel schicken metten dwasen.[146]

Those who believe the words of slanderers must join the ranks of the foolish.

Do not immediately believe everything that is said about someone, that which is whispered in your ear. Reserve your judgement and go in search of the truth, advises *Sottenschip*.[147] The teacher continues by saying that anyone who refuses to listen to slander (talking behind someone's back) is a wise person. However, he adds, that person is only wise when he *chooses* not to listen. The teacher takes into consideration the fact that sometimes one cannot help but to pick up accidentally someone else's slanderous words.

In *Bouc van seden* too, the focus is on the listeners to slander.[148] Contrary to the advice in *Sottenschip*, *Bouc van seden* suggests verbally admonishing the slanderers. The words should be, as it were, struck from the mouth, just as Jan van Boendale describes in the above-mentioned quote from *Der leken spieghel*:

365   *Vrient, ne loep niet harentare*
       om te horne quade niemare.
       Slach loghene talre stonde

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[146] *Sottenschip* chapter 96, A2v-A3r. In *Sottenschip*, chapter 7, d1r-d2v, slanderers (*overdraghers*) who cause quarrels and unrest are explicitly described as fools.

[147] 1 John 3: 1. Definition of 'ear blower' (*oorblazer*) in *Woordenboek der Nederlandsche taal*, 29 vols. (The Hague, 1993-2001): "Someone who whispers something in another's ear, something unfavourable about a third party; a slanderer, a provocateur" (translated from the Dutch by Lizzie Kean).

[148] *Den Duytschen Cathoen*, dictum 11, p. 7-10.

> *ende quade niemare van monde.*[149]
>
> Friend, do not venture everywhere to listen to malicious gossip. Always strike lies and malicious gossip from (the) mouth.

Listeners to slander can expect to be judged severely in *Den Duytsche Cathoen*. Those who listen to slander are damned or 'despicable' (*verwaten*).[150]

4.5 Conclusion

Two groups of speech acts which play an important role in the secular-ethical corpus have been dealt with above. The first group consists of foolish speech acts, in particular self-glorification and bickering. In the second group, two speech acts are dealt with which are discussed at length in the corpus from the secular-ethical domain: flattery and slander. In both *Sottenschip* and *Boec van Sidrac*, the tongue is presented as a part of the body that can cause extremely good and extremely bad effects. In the same way as the tongue can build society, so it can destroy it too. It can curse God, destroy the fellow man and pollute souls – man's capacity for speech has countless horrifying disadvantages.

Just as in the texts on the deadly sins from the ecclesiastical domain, tongue and mouth are portrayed as a gateway which allows pollution to enter the speaker's inner self. The tongue (or variations like mouth / teeth / lips) is a lid which seals off a treasure chest, or a wall which protects the city inside it. These and the other metaphors used, are similar to those in the ecclesiastical domain discussed in the previous chapter. Where the secular-ethical domain differs, is that metaphors are introduced to make clear that words should be considered carefully before they are uttered. For example, a speaker should be like a cock, which flaps its wings three times before crowing. And the speaker

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[149] *Bouc van seden*, ll. 365-368. Another possible interpretation is that self-admonishment is meant: striking from the mouth the slander that someone wants to speak. In that case, the focus is on the slanderer himself and not onthe recipient. See also *Der leken spieghel*, book 3, chapter 3, '*Hoe hem die mensche houden sal onder die liede ende alrehande wijshede*', ll. 515-522. This passage concerns the way in which one shoul deal, as recipient, with rumours (slander should be interpreted here as the expression of unverified personal information to third parties).

[150] *Den Duytsche Cathoen, dictum* 12, p. 39, ll. 11-14: a comparison with *Disticha Catonis* reveals that there is extra emphasis on reputation in the adaptation of the Middle Dutch text. In l. 10 'harm' (*nocere*) has been changed into 'shame'.

should have a neck like a crane, so that the words must travel far before emerging. An important factor in the presentation of the harmful potential of the spoken word is, just as in the ecclesiastical domain, the malicious source behind the words. Those who speak improper words have an intention which reflects above all their own interests and not those of their fellow men. The intention, or 'inner drive', ensures that the speaker is unable to keep the words in, according to the passages on foolish speech behaviour. In the same way as the texts from the ecclesiastical domain, the intention of foolish words is characterised in terms related to the deadly sins of pride (*pochen*) and wrath (*kijven*).

The first group of metaphors deals with speaking foolishly (*sot*), or, as it is explained in Middle Dutch: speaking foolishly is garrulousness or idle (*vele* or *ydel*) speech. 'Uncontrolled' means that the foolish speaker does not consider his words carefully before uttering them. This failure to weigh his words carefully has not only a rational connotation (speaking foolishly as speaking unthinkingly and impulsively), but also a moral one. Uncontrolled speakers fail to anticipate the harmful effects their utterances may have on the subject. A quarrelsome speaker, for example, is prevented by his anger from seeing the difference between good and evil, so that he will not take seriously the interests of his fellow man. Therefore, according to the texts in the corpus, 'uncontrolled' should be interpreted not merely as chattering and blathering, where the speaker blurts out the words without thinking about the consequences. Someone who speaks 'foolishly' is not a good person. In the secular-ethical texts, 'foolish' (*sot*) is placed directly opposite the adjective 'wise'. The Middle Dutch dictionary defines *sot* as 'witless', 'stupid', 'silly'. Someone who behaves foolishly should not be regarded as a stereotypical idiot who cannot count to ten. Within the field of Middle Dutch literary studies, the meaning of *sot* has been assigned mainly a pragmatic connotation: *sot* is 'stupid' in the sense that someone is selling himself short.[151] The analysis of *sot* reveals, how-

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[151] CRAUN, "Introduction: Marking out deviant speech", p. XII. In the context of research into late medieval advice literature or how-to-manuals, Edwin D. Craun sticks to the term 'prudential', recognisable to the English speaker as 'prudent'. This fits well with the prevailing view of foolishness and wisdom (*sotheit* and *wijsheit*) in Middle Dutch literary studies: VAN OOSTROM, *Het woord van eer*, pp. 257-258, and PLEIJ, *Het gevleugelde woord*, p. 508. In the context of the prose novel, Herman Pleij translates 'wisdom' with 'cleverness'. In the discussion in Dirc Potter's *Blome der deugden*, Frits van Oostrom translated the Middle Dutch word *wijsheit* ('wisdom') with 'intelligence', 'cleverness', and 'skilfulness'. See also PLEIJ, "Inleiding: Op belofte van profijt", pp. 39-40; ID., "De zot als maatschappelijk houvast in de overgang van middeleeuwen naar moderne tijd"; ID., *Het gevleugelde woord*, pp. 650-655; and ID., *De eeuw van de zotheid*.

ever, that in the assessment, in addition to pragmatic motives (effects on the speaker himself), moral motives (effects on one's fellow man) also play a role. So *sot* as an adjective ('foolish') has, as far as speech behaviour is concerned, both a pragmatic and a moral connotation.

Flattery and slander form the components of the second group of 'improper words'. Jan van Boendale calls these speech acts extremely dangerous behaviour, and that seems to be justified: the speaker of both flattering and slandering words is characterised by a malicious attitude toward his fellow man. Flattery can potentially damage the soul, and slander can be face-threatening for the subject. The one who listens to slander is also liable to incur damage to the soul, while the act itself is face-threatening for the subject. A good reputation makes slander less harmful, according to *Sottenschip* and Boendale's *Der leken spieghel*: this speech act is not face-threatening for someone with a good name, since the recipient will not believe the unfavourable words spoken about that person. There is therefore no perlocutionary effect on the recipient, as there is no diminished respect for the subject. However, when a woman who is known to be virtuous is gossiped about in a scabrous manner, the harmful impact on her is actually greater. As *Sottenschip* puts it, she has much to lose.

Flattery and slander mirror each other. The first speech act is characterised by praise, the second by criticism. In the case of flattery, praise is expressed directly to the subject, while slander takes place behind the other person's back. Expressing praise and criticism (the propositional content of an utterance) in itself is not harmful. According to the secular-ethical corpus, criticism only becomes harmful for the subject when he is criticised behind his back (slandered). Praise only becomes harmful when the praise is expressed directly to the subject. It could make the recipient proud, and that would be a soul-damaging perlocutionary effect (grace-threatening). It is of no importance whether or not the content of the message is true. A flatterer can compliment someone on actual merits, just as a bragger can compliment himself. A slanderer and a bickerer need not, by definition, be telling lies. The slanderer is not so much a liar (propositional content), it is more a case of him revealing personal, unpleasant elements of another person in public, thereby incurring a perlocutionary effect on the recipient which is harmful for the subject. So it is important for the speech situation, whether or not certain utterances are made public. In addition, the most characteristic variable in a speech situation is that of gender. This was only mentioned in the construction of 'foolish' speech behaviour and not of slander or flattery. Virtuous women are indicated as vic-

tims of scabrous language uttered by men; wives find it difficult to keep secrets from their spouses and braggers are male.

Criminal Words:
A Dispute Between a Landlord and a Tenant (1480)

5.1 Introduction

I f words are acts, can words also be criminal acts? They can, according to tenant Heyn van den Eynde. In 1480, in the presence of the aldermen of Echt, his landlord, Johan Muetsel, addressed Heyn with the following words: "*meyneydich boeve*" ("perjuring crook"). Johan and Heyn had had previous disagreements in a legal context. This situation is embedded in a lengthy conflict about rent business between the two gentlemen. The argument was aggravated by the drawing up of a contract, the terms of which they had both sworn to abide. The words *meyneydich boeve* addressed to Heyn were based on a lengthy court case, taken all the way to Roermond High Court. The situation in which the words were uttered was apparently so complicated that counsel was requested from a higher law court in the jurisdiction of the Upper Quarter (*Overkwartier*) of Guelders. Why did these words cause so much commotion? The court case, from 1480, on what the source refers to as a *plurade* ('defamation'), will be approached from the linguistic observation of J.L. Austin and J.R. Searle that words can be perlocutionary speech acts which can have a harmful effect. In the light of their speech act theory, Johan's words are regarded as a potentially harmful act. I will be using a language theory analysis of a *wyssenis* (a recommendation on a verdict in a court case – in this case by the High Court in Roermond – to a lower court) about the dispute between landlord and tenant in 1480. Roermond is the capital of one of the four regions

within the Duchy of Guelders (Gelre), situated in the southeast of the Nether-
lands, nowadays comprising mainly the province of Limburg. The other three
quarters of the Duchy of Guelders are the Quarter of Zutphen and the Nijme-
gen and Veluwe Quarters. Nowadays they are situated in the Dutch province of
Gelderland and the German North Rhine-Westphalia. The central question is
how words, under particular conditions, could transform into a criminal of-
fence. This chapter is concerned with the harmful effects of criminal words,
with which maxims are being breached, and whether or not there are expres-
sions which are grace- and face-threatening acts. Moreover, it reflects on the
relevant variables of the speech situation in which the speech crime took place.

In order to put the source in some context, collections of customary laws
(*keurboeken*) and a number of verdicts were studied for corresponding ele-
ments in local legislation about insulting words similar ro *meyneydich boeve*.
These sources consist of regulations which came under the jurisdiction of local
government, just as in the case between Johan Muetsel and Heyn van den Eyn-
de. They originate from the other three Quarters of Guelders, but also from the
County of Holland, the County of Zeeland, the territorial principality of the
bishop of Utrecht, and Frisia. This type of violation was usually punished with
a fine, part of which was to be paid to the court and part to the victim.[1] The
court case will also be compared to the results of our research into sinful and
improper words in texts from the ecclesiastical and the secular-ethical domains.
It would be going too far to suppose that the law courts of Echt and Roermond
High Court were acquainted with the discourse on the untamed tongue as it is
revealed in these domains. And, as already indicated in the introduction, this
case study is, in the context of this literary historical research, exploratory by
nature. The limited basis of the sources used here scarcely does justice to the
rich collection of similar legal historical archive materials that exist. Therefore
there will necessarily be limitations to a comparison between the case study
and the sources from the ecclesiastical and secular-ethical domains dealt with
above. And yet the *plurade*-case between Johan Muetsel and Heyn van den
Eynden does seem to resonate at some points with the corpus from the ecclesi-
astical and secular-ethical domains.

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[1]   VROLIJK, *Recht door gratie*, pp. 59-65.

5.2 Corpus

The record of the court case between Johan Muetsel and Heyn van den Eynde forms part of a registered court roll of the Tribunal of the legal district Roermond, with recommendations on verdicts to lower courts between 1459 and 1487, known as the *Nye boeck* (New Book) – there is also an *Alde boeck* (Old Book) covering the period from around 1400 to 1459. Roermond High Court issued advice to the aldermen in Echt, who also represented the villages of Maasbracht and Roosteren.[2] The High Court was the most important instrument of law in the Upper Quarter of the Duchy of Guelders.[3] It is difficult to form an image of those who used the Old and New Books. Summaries (*regesten*) of these recommendations (*wyssenissen*) have survived which were owned by lawyers. J.K.Th. Janssen de Limpens shows that these *wyssenissen* functioned as authoritative jurisprudence in Guelders, in any case until the recording of the official land rights in 1619. The influence of these *wyssenissen* can also be seen in the 1619 land rights.[4]

It is unclear whether the source was accepted in areas outside Guelders. It is important to take into consideration vast regional differences. For example, Sandy Bardsley, in her research into 'cursing women' in late medieval convictions and verdicts in Great Britain, points to the vast regional and even local differences in judicial interaction with this specific group of speech criminals. In the late Middle Ages, almost every city in the Low Countries had its own legislation, customs, and privileges.[5] So no conclusions can be drawn from this source as regards other regions, or, for that matter, other periods – certainly no

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[2]   K.J.Th. JANSSEN DE LIMPENS, "Inleiding", in: *Geldersche Wijssenissen van het hoofdgerecht te Roermond*, ed. K.J.Th. JANSSEN DE LIMPENS (Utrecht, 1953: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 3rd series, 16), pp. XIII-XVI. In H. 'T JONG, "De mythe van de vuilnisbelt: Een nieuwe benadering van hinderkeuren uit laat-middeleeuwse steden", *Millennium* 22 (2008), pp. 68-91, at p. 73, a different definition of *wyssenis* is offered: as a common law verdict, often decided on by a people's assembly, as in the case of the *Drentse etstoelvonnissen*. The court case is also mentioned in B.H.D. HERMESDORF, *Rechtsspiegel: Een rechtshistorische terugblik in de Lage Landen van het herfsttij* (Nijmegen, 1980), pp. 221-223.

[3]   These sources were explored using the published collections of by-laws (*keurboeken*) from the series *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*. The journal of the above-mentioned organisation also publishes sources, under a heading of 'Reports and Notices': *Verslagen en Mededelingen* 1900-1917. I also used the publications of the *Vereeniging tot Beoefening van Overijsselsch Regt en Geschiedenis.*

[4]   JANSSEN DE LIMPENS, "Inleiding", pp. XIV-XV.

[5]   JANSSENS, *Strafbare belediging*, p. 16.

generalisation of the period central to this book, 1300-1550, is possible. More-over, a complex layering and division of legal systems existed. There were various legal circles, each with its own court and legal system: not only ducal and local aldermen's courts (under the authority of the local lord), but also church courts, guild courts, etc.[6] In addition, a criminal utterance as described in the sources, such as the *wyssenis* in the case of Van den Eynde v Muetsel, was not necessarily identical to the utterance as it was made in reality. Did Johan Muetsel really say *meyneydich boeve* ('perjuring crook')? One must take into account, for example, with which interpretation the taker of notes recorded the utterance. And how did Johan Muetsel actually say the words: shouting, in a matter-of-fact tone, or some other way? As explained in the introduction to this book, the extent to which an utterance can be seen as a crime is partly dependent on factors which are difficult to represent in writing. The value is linked to the specific speech situation in a unique setting, at a unique moment, and in a tone which cannot be reconstructed (according to linguist Dell Hymes). In that sense, words are fleeting. The reason words might be regarded as harmful and criminal is dependent on a situation of which the source gives an incomplete image.

The source offers little information as to the motives of the High Court in reaching this specific *wyssenis*, which means that any attempt to reconstruct those motives is based in part on speculation. On the other hand, Jan Dumolyn and Jelle Haemers, in the context of their sources on politically subversive speech behaviour in late medieval Flemish cities, argue that the words attrib-uted to 'rebels' are written down quite accurately in their sources (chronicles, political and legal documents). For the *wyssenis* to be legitimised, it was ex-tremely important, from a judicial point of view, that the sources offered a precise representation of those utterances which were regarded as criminal.[7] For both the *wyssenissen* and contemporary city convictions for 'bad lan-guage', the question is also whether or not the laws and recommendations in these sources were actually carried out. For example, the German historian Gerd Schwerhoff notes that a cruel punishment was given for the speech crime

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[6] LESAFFER, *Inleiding tot de Europese rechtsgeschiedenis*, p. 285. See, e.g. F.K.J. FREDERIKS, *Het Oud-Nederlandsch strafrecht* (Haarlem, 1918) and PH. GODDING, *Le droit privé dans les Pays-Bas méridionaux du 12ᵉ au 18ᵉ siècle* (Brussels, 1987: *Mémoires de la classe des lettres* 14.1).

[7] DUMOLYN and HAEMERS, "'A bad chicken was brooding'", pp. 51-52. For similar deliberations and judicial sources of speech crimes in the context of the first colonists in New England, see: KAMENSKY, *Governing the Tongue*, pp. 10-15.

of perjury in the *Regensburger Stadtrecht.* The perjurer was to be hung in the stocks by way of a hook through his tongue. In practice, however, this punishment was hardly ever carried out.[8] On the other hand, there are examples from Zürich which show that no less than 73% of blasphemy cases resulted in actual punishment. These were not cruel punishments, but rather small fines. Schwerhoff also cites examples of severe punishments being carried out for blasphemy in the south of Germany around the middle of the fourteenth century.[9]

5.3 Background Information on the 'Plurade' Case

The court case took place during turbulent times in the Upper Quarter of the Duchy of Guelders, a region detached from the other three quarters of the duchy. Its capital was Roermond. The city of Echt (which was given city rights in 1343) was constantly at the centre of the chaos of warring factions during Guelders's battle for independence between 1477 and 1482. Guelders had been captured by Charles the Bold, Duke of Burgundy, but rebelled when he died in 1477, and was succeeded by his daughter Mary of Burgundy. The battle for independence was to become long, and in the end unsuccessful. Although Guelders had formed an alliance in 1480 with the French King Louis XI, the Burgundians managed to re-take the Upper Quarter in that same year.

The alderman's court in Echt consisted of four aldermen from Echt, two from Maastricht and one from Roosteren. The Upper Quarter of the Duchy of Guelders is known to have had 61 aldermen's courts in 1423.[10] The procedural law used in the source did not deviate from the medieval law in use in the Duchy of Guelders around 1480.[11] The judicial procedure began with a complaint from a local court, after which the local civil servant requested a messenger to summon the accused. When the accused had been summoned, the plaintiff-accuser repeated his claim, in detail, and laid evidence before the aldermen's court ("*dingt zick op syne konde*"). The evidence may have consisted of both oral (witnesses, testimony) and written materials. The defendant was

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[8] SCHWERHOFF, "'*Blasphemare, dehonestare et maledicere Deum*'", p. 264. See also LINDORFER, "*Peccatum linguae* and the punishment of speech violation", p. 38, for examples from France in the late Middle Ages.

[9] SCHWERHOFF, "'*Blasphemare, dehonestare et maledicere Deum*'", p. 263. See also LINDORFER, "*Peccatum linguae* and the punishment of speech violation", pp. 38-39.

[10] JANSSEN DE LIMPENS, "Inleiding", p. IX.

[11] JANSSEN DE LIMPENS, "Inleiding", p. XXVIII.

required to respond immediately, either by acknowledging the plaintiff's claim or by fighting it. In the latter case, he would need to take an oath of innocence ("*dingt sick borch ind onschoult aan*") and defend himself, after which the court would reach a verdict.[12] If the aldermen's court was unable to reach agreement, they would put the relevant legal documents before a higher court (*ter hoofdvaart gaan*). When the Echt aldermen got stuck, they could go to Roermond High Court for advice. This was not a case of appeal to a higher court, but requesting advice which helped the lower aldermen's court reach a decision. The final ruling was done by the aldermen's court in Echt, and not by Roermond.[13]

5.4 The 'Plurade' *Case in Five Phases*[14]

Five phases can be distinguished in the court case between landlord Johan Muetsel and tenant Heyn van den Eynde:

1) challenge by Johan Muetsel
2) response from Heyn van den Eynde
3) advice on the accusation
4) negotiations on the punishment
5) advice on the punishment

Phase 1: The Challenge by Johan Muetsel

As indicated above, the *plurade-case* was embedded in a long-lasting conflict between the two men about the tenancy of the house in which Heyn lived. By way of settling the conflict, they had signed a written agreement. Landlord Johan Muetsel is the one who brings the dispute to a head again. The words *meyneydich boeve* are not an expression of an unsympathetic opinion, uttered

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[12] JANSSEN DE LIMPENS, "Inleiding", pp. XXVIII-XXIX.

[13] JANSSEN DE LIMPENS, "Inleiding", pp. XX-XXI.

[14] See also M.D. VELDHUIZEN, "The game of fame: Slander and its punishment in a late medieval regional courtroom", in: *The Voices of the People in Medieval Political Communication*, ed. V. CHALLET, J. DUMOLYN, J. HAEMERS, and H.R. OLIVA HERRER (Turnhout, 2014: *Urban History Series*), pp. 233-246, for a paper on the *plurade*-case from the angle of Pierre Bourdieu's game theory.

in a fit of anger in the court at Echt. *Meyneydich boeve* is regarded by both the court and Heyn as a consciously expressed accusation of perjury, whereby Johan intended to cause social and judicial loss of face on legitimate legal grounds. His speech act is a targeted attack. He tries to support his accusation by providing written evidence and having people testify. For example, he cites from a statement, made under oath, of a tenancy agreement drawn up in earlier staged of the conflict:

> *Ind soe stonde in der cedulen, dat Heyneen den hoff luyckich halden solde, des hy nyet gedaen en hedde ind hedde huem dairvur gezwoeren.*

> The contract stipulated that Heyn had to fence his yard, which he had not done although he had sworn to do so.

Heyn was said to have breached his oath by failing to meet certain of his tenancy requirements – in particular, the fencing of the garden.

The first blow by Johan in the battle seems to have hit home. Heyn has lost considerable ground, and is now in an extremely vulnerable position. If the aldermen's court of Echt is convinced that Johan's accusation is true, this will have serious consequences for Heyn. He will be convicted of perjury. If he is unable to counter Johan's burden of proof before the court, he is in danger of losing judicial face. As punishment for perjury, Heyn could be declared 'infamous'.[15] That makes Johan's verbal attack a face-threatening act for Heyn. Johan's accusation, and with it the threat of defamation, could have serious judicial and social consequences for Heyn, which would make it impossible for him ever to play any significant role in society again.[16] It was equal to losing certain rights, for example the right to defend oneself against false accusations, or to act as a witness. According to a regulation in *Dat gulden boeck* of Kampen, the one committing perjury was to be publicly declared someone who is "not a good person". He would moreover no longer be allowed to act as a wit-

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[15] The starting point for a 'judicial face' is that a person is trustworthy until proven otherwise. See F.R.P. AKEHURST, "Good name, reputation and notoriety in French customary law", in: *Fama: The Politics of Talk and Reputation in Medieval Europe*, pp. 75-94, at p. 79. See also F.H. STEWART, *Honor* (Chicago and London, 1994), pp. 57-58.

[16] F.R.P. AKEHURST, "Good name, reputation and notoriety in French customary law", p. 81, and NIJDAM, *Lichaam, eer en recht in middeleeuws Friesland*, pp. 284-289. Han Nijdam shows that the social and judicial faces, in the context of the community of free men in late medieval Frisia, are closely connected.

ness in court cases.[17] In the secular-ethical domain, too, perjury is presented as a face-threatening act for the speaker. In *Blome der doechden,* Dirc Potter states that people who are known to lie frequently, should not be allowed to testify:

> *Noch sy en souden mit rechte gheen ghetuych moghen draghen die mit ghewoente van lieghen beruecht sijn.*[18]

> According to law, those who are known to be constant liars should not testify.

However, it is important to take into consideration variables such as the status or gender of the perjurers threatened with being declared 'infamous'. Is having a judicial 'face' equally important to all classes of society, and to both men and women? Is the risk of being declared infamous greater for men and women in high positions, or is it less? Rules and customs could differ for opponents with varying socio-economic relations, or, for example, in cases of female opponents only, or men versus women. Were there national, regional or local differences in the interpretation and status of the judicial face? Based on this study, it is impossible to arrive at a judgement. However, it is important to realise that, specifically in this case study, we are dealing with two men who are socio-economically unequal.

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[17]   Kampen, *Dat gulden boeck* (1329-1450), in the edition *Boeck van rechten der stad Kampen*: *Dat gulden boeck*, ed. by the Vereeniging tot Beoefening van Overijsselsch Regt en Geschiedenis (Zwolle, 1875: *Overijsselsche stad-, dijk en markeregten* 1.1), p. 162. See also Antwerp (mid-fourteenth century-1419), in the edition *Dit sijn de coren van der stad Antwerpen* (Ghent, 1852: *Maetschappy der Vlaemsche Bibliophilen*, 2nd series 2), No. 148, p. 42. In the town of Elburg (Veluwe Quarter of Guelders), the punishment for perjury was different: a fine of 6 pounds and permanent disqualification from membership of the town council (*stat raet*) – Elburg (*c.* 1390), in the edition *Geschiedenis en rechtsontwikkeling van Elburg*, ed. P.A.N.S. VAN MEURS (Arnhem, 1885), No. 13, p. 46, and Elburg (*c.* 1467), No. 37, p. 76. In a collection of customary laws of Leiden (pre-1370), in the edition *Middeleeuwsche keurboeken van de stad Leiden*, ed. H.G. HAMAKER (Leiden, 1873), book 3, No. 5, p. 24, perjury was punished by a fine of 5 pounds and disqualification for 6 months. And in Utrecht, at the beginning of the sixteenth century, there was a provision that "people of dubious honour, known to be infamous" could not obtain reparation from the court, nor bring any case of defamation before the court: BERENTS, *Het werk van de vos*, p. 115. See also P. DE WIN, *De schandstraffen in het wereldlijk strafrecht in de Zuidelijke Nederlanden van de middeleeuwen tot de Franse tijd bestudeerd in Europees perspectief* (Brussels, 1991: *Koninklijke academie voor wetenschappen, letteren en schone kunsten van België, Klasse der letteren* 139), p. 28.

[18]   *Blome der doechden*, tenth flower *loeghen* ('lying'), p. 37.

Phase 2: The Reaction by Heyn van den Eynde

At this point in the battle, both parties have a chance of winning. There seems to be a deadlock, which leads the court in Echt to make its way to the High Court in Roermond to ask advice. As a counter move, Heyn wants to convince the court that Johan is not telling the truth, and that his accusation of perjury is unfounded. He needs to prove that the face-threatening situation is unjustified:

> *Heynee van ghen Eynde claicht oever Johan Muetsel ind seeght, hy hebbe vur den gerichtzbanck van Echt gestanden, dair huem Johan Mutsel oneerlicke woirde oversacht ind gesacht hebbe, hy were eyn meyneydich boeve ende hed huem eynen meyneydigen eyt gedaen, dat wolde hy bewijsen mit scholtet ende schepenen, dat Heynee haipt nyet en is ende Johan nimmermeir oever huem end sall konnen bewysen ind heysscht huem vur die smelicke oneerlicke woirde M Ryns gulden off soe groet ind soe cleyne als der scepen mit ordel wysen sall, dat hy huem dairmit mysdaen sall hebben ind wes Heynee konde heeft, dingt hy sich aen.*[19]

> Heyn van den Eynde files a complaint about Johan Muetsel and says that he has been summoned to the court of Echt, because Johan Muetsel accused him of dishonourable words and said he was a perjuring crook and had committed perjury, which he wanted to prove to plaintiff and aldermen. Heyn said he was not [a perjuring crook] and Johan will never be able to prove [this] about him and demands for the insulting and dishonourable words 1000 Rhine guilders or as high or low as the aldermen will see fit, that he [Johan] will be found guilty of that [i.e. the false allegation], and of which Heyn has testimony; [of all this] he makes a request in court.

Heyn van den Eynde argues that the accusation is unfounded. According the Roermond *Nye boeck,* Heyn describes Johan's words as "*smelicke oneerlicke woirde*" ("insulting and dishonourable words").[20] Heyn bases this on three elements. The first is one of content: Heyn says that his fence was broken before he took up residence in the house. The second element is procedure-based: he claims that a number of Johan's witnesses are not admissible. Two of the

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[19] Roermond, *Nye boeck* (1459-1487), in the edition *Geldersche wijssenissen van het Hoofdgerecht te Roermond*, ed. K.J.TH. JANSSEN DE LIMPENS (Utrecht, 1953: *Werken der Ver-eeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 3rd series 16), No. 213, p. 255.

[20] Roermond, *Nye boeck* (1459-1487), No. 213, p. 255.

witnesses are servants, and therefore not impartial. Moreover, they are in part bastards, officially banning them from giving testimony in a defamation case:

> *Heynee kalentirden die konde, want sy Johans brodelinge ind partych waren ind ouch eynsdeils bastart weren.*[21]

> Heyn protested against the evidence, because they were Johan's servants and biased and were also partly bastard.

The third and last element is that he uses his good name in his defence. Three of the six witnesses present in court, and the aldermen's court itself are prepared to describe Heyn as a good and honourable person ("*eynen gueden eerbaren man*").

Phase 3: Advice on the Accusation

Next comes the phase in which Roermond High Court issues an advice (*wyssenis*) to the aldermen's court in Echt. What is the perlocutionary effect of Johan Muetsel's words on the Roermond aldermen, after Heyn has completed his defence? Is his accusation credible, and are they convinced that he is speaking the truth? Despite his evidence, the court finds that Johan's accusation is not convincing enough.[22] The Roermond aldermen are of the opinion that Johan has demonstrably done Heyn an injustice, particularly since Johan uttered his words in a court of law. They must now reach a settlement, with the help of official mediators (*vrunden*). Should they fail to do so, they must return to Roermond High Court. This greatly affects the positions of both landlord Johan and tenant Heyn. As a result of the failed attempt to have Heyn convicted of perjury, Johan's words are now regarded as a deliberate and unjustified attempt to damage Heyn's social and judicial 'face'. It is not Heyn, but Johan who has committed a crime. In the eyes of the aldermen of Roermond High Court, the utterance is transformed from a justified expression into a crime. Contrary to the comparable categories of *detractio* ('slander') in the ecclesiastical and secular-ethical domains, in this case it is definitely important whether or not the words were lies. In the context of the court the words 'perjur-

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[21] Roermond, *Nye boeck* (1459-1487), No. 213, p. 255, and JANSSEN DE LIMPENS, "Inleiding", p. XXX.
[22] Roermond, *Nye boeck* (1459-1487), No. 213, pp. 255-256.

ing crook' should be interpreted as an accusation, which is deemed unproven. Had the aldermen in Echt accepted that the accusation was true, there would have been no speech crime. Heyn would have ended up in the dock, not Johan. So the cooperative principle of quality plays a crucial role.

Local court records in the Low Countries show the accusatory character of punishable words. Many explicitly mentioned punishable words can be placed in the category of 'false accusations of crimes': 'murderer', 'thief', 'traitor', and 'forger'. Johan's accusation, 'perjurer', is explicitly mentioned in a number of late medieval Middle Dutch city ordinances, such as in the *Stadregt van Goor* (nowadays in the Dutch province of Overijsel). Other specific examples of accusatory (bad) words spoken by men include: 'rogue', 'son of a whore', 'liar', 'traitor', 'bastard', or 'dishonourable man' (*schalk*, *hoerenzoon*, *leugenaar*, *verrader*, *bastaard*, or *eerloos man*).[23] Terms of abuse used against women include 'whore' (not in the professional sense of the word, but as someone who interprets the marriage vow of faithfulness somewhat loosely), 'thieving wench' and 'nightmare'.[24] A regulation of 1550 from Wittem, near Echt and Roermond, writes in a provision on terms of abuse that they are punishable if a person wants to use them as a deliberately false accusation, as proof (*bewisen*). The laws against swearing in the town of Harderwijk (nowadays in the

[23] Goor (end of the fourteenth century), in the edition *Stadregt van Goor*, ed. by the Vereeniging tot Beoefening van Overijsselsch Regt en Geschiedenis (Zwolle, 1883: *Overijsselsche stad-, dijk- en markeregten* 1.3), No. 1, p. 7 (perjurer, whore, and son of a whore), Elburg (c. 1467), No. 18, p. 72 (thief, murderer, whore, child of a whore, traitor, deceiver). See also Groningen (c. 1467), in the edition *Stadboek van Groningen*, ed. A. TELTING (The Hague, 1886: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 1st series 9), Nos. 138 and 139, pp. 52-53; and Vianen (the making of an order from 1336 by Willem van Duvenvoorde, Lord of Vianen), in the edition "Rechten van Vianen", ed. B.J.L. DE GEER VAN JUTFAAS, in: *Verslagen en mededeelingen der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht* 2.1 (1886), pp. 120-168, No. 13, at p. 126 (making someone out to be a liar); Hasselt NL (fifteenth century), in the edition *Stadregt van Hasselt*, ed. by the Vereeniging tot Beoefening van Overijsselsch Regt en Geschiedenis (Zwolle, 1883: *Overijsselsche stad-, dijk- en markeregten* 1.4), No. 12, p. 36 (thief, whore or traitor, or calling someone's parents thieves or whores). For other examples, see BERENTS, *Het werk van de vos*, pp. 113-115 (mentioning Harderwijk) (second half of the fifteenth century), No. 107, p. 17 and No. 127, p. 19, and F. VANHEMELRYCK, *De criminaliteit in de ammanie van Brussel van de late middeleeuwen tot het einde van het ancien régime (1404-1789)* (Brussels, 1981: *Verhandelingen van de Koninklijke Academie van Wetenschappen, Letteren en Schone Kunsten van België, Klasse der letteren* 97), pp. 261-262, for examples from the Brussels *Witcorrectieboek*.

[24] R.H. BREMMER JR., "Schelden doet zeer: Verbaal kwetsen in laat-middeleeuws Friesland", *Leidschrift* 12 (1996), pp. 19-36, at pp. 26-28.

Dutch province of Guelders) note that the accusation must be unjustified if the utterance is to be punishable.[25]

The convictions mentioned above, however, concern criminal words without the aggravating conditions of the local law court as a variable. This is referred to as extremely relevant in the law suit – "*want dat vur den gericht geschiet were*" ("because it happened in court").[26] This probably made Johan's utterance face-threatening for the aldermen's court in Echt too. Johan's words are interpreted as a crime against the local judicial authorities. So a *plurade* should be understood not solely in terms of defamation, a face-threatening expression. The crime becomes clear later. A *plurade* was a false accusation which was not uttered in a fit of rage, but as a deliberate attempt, in the official setting of a court of law, to threaten another's 'face' in a judicial way. Had it been uttered outside the law court, the expression 'perjuring crook' would not have been face-threatening for either Heyn van den Eynde or the aldermen. The same words uttered in private, or even in the street – a public space, true, but not an official judicial one – would probably not have been punishable.

Phase 4: Negotiations on the Punishment

Subsequently, Heyn charges Johan with the crime of "deliberate accusation of perjury" ("*meyneydich te scelden vur gericht*"). In this phase of the battle, Johan's utterance had another consequence. Since Heyn had been wrongfully accused of perjury, in the presence of the aldermen's court in Echt, he now demanded satisfaction for the wrong done. It appears that efforts to reconcile

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[25] Wittem (1550), in the edition *Limburgse wijsdommen*, ed. J. HABETS (The Hague, 1891: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 1st series 12), No. 72, p. 42; Harderwijk (second half of the fifteenth century), in the edition *Rechtsbronnen der stad Harderwijk*, ed. J.L. BERNS (The Hague, 1886: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 1st series 8), No. 107, p. 17. See also Sneek (1456), in the edition "Stadboeck van Sneek", in: *De Friesche stadrechten*, ed. A. TELTING (The Hague, 1883: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 1st series 5), No. 106, pp. 95-96. A remarkable addition to a 'definition of swearing' by Bolsward (1455) is the phrase "whether or not it is true" (see the edition *De Friesche Stadrechten*, ed. A. TELTING (The Hague, 1883: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht,* 1st series 5), p. 36 No. 96). In other words: even if the accusation was justified and the truth had been spoken, the speaker would still be punishable. This seems to be an exception to the rule. See VAN MEETEREN, *Op hoop van akkoord*, p. 285, for a similar observation on male and female terms of abuse in the seventeenth century.

[26] Roermond, *Nye boeck* (1459-1487), No. 213, p. 256.

the two opponents by means of local mediators were to no avail, since there is mention in the source of a second judgement in this case, from Roermond. Heyn demands an extensive punishment, composed of various parts. Heyn wants Johan to pay financial compensation and make three pilgrimages.

He furthermore insists on an *amende honorable*, also referred to as 'reparation of honour' (*eerlijke betering*) which would repair the face-threatening situation for Heyn. Johan is to walk round the graveyard, carrying two candles, and dressed in only his undershirt, in procession behind the priest after which he is to ask Heyn's forgiveness in front of the churchgoers and the aldermen's court. Simply uttering phrases like 'I'm sorry' is not enough. Johan is to emphasise that his words had no basis in truth, and that he regards Heyn van den Eynde as a good and honourable man. He must furthermore ask Heyn's forgiveness. Heyn demands that the apology be made in one of the most public places in the city: in church, during the Sunday service, in front of all the parishioners. Johan is also to go bareheaded, in his underwear and carrying two candles, in procession round the graveyard and place one candle at the cross of Christ and the other at the statue of Mary.[27]

Phase 5: Advice on the Punishment

The aldermen in Roermond find that Johan has wronged Heyn and must make amends, therefore he must do penance by reconciling with Heyn and removing the threat to Heyn's 'face'. Johan is to make no less than three pilgrimages. On returning home, he must either produce evidence to show that he has actually completed the pilgrimage, or he must pay one Flemish pound for every mile he should have travelled. In addition, although Johan is then reconciled ("*in der mynne*") with the court of law, he cannot stay "*in den rechten*", which means he is forbidden to take future disputes to court. Lastly, there was to be an *amende honorable*, in which Johan should ask Heyn for forgiveness.

[27] See VROLIJK, *Recht door gratie*, pp. 438-439, on the damaging effect to reputation of the wearing of undergarments. According to Vrolijk, the garments express total subjugation and defencelessness, which must have been a great humiliation. Berents indicates that in Utrecht the punishment of the *amende honorable* for verbal 'injury' was given particularly before 1425 (BERENTS, *Het werk van de vos*, p. 72). Between 1425 and 1430, the punishment consisted of banishment, and afterwards mainly of fines. See GLAUDEMANS, *Om die wrake wille*, p. 124, and *The Use and Abuse of Sacred Places in Late Medieval Towns*, ed. P. TRIO and M. DE SMET (Louvain, 2006), on the use of the church by secular law institutions.

Johan is to revoke his words and apologise not in church, but in the law court
– bareheaded and with the words:

> I, Johan Muetsel, did call Heyn van den Eynde a *meyneydich boeve* ("perjuring
> crook"). I made that up. I consider Heyn van den Eynde to be an honourable man
> and hereby ask his forgiveness.

5.5 *The Punishment:* Amende Honorable

Heyn's demands may seem somewhat exaggerated to modern minds. Why
was simply offering an apology not enough? His demands were certainly not
unique for the Low Countries. There are examples to be found where the
amende honorable (or variations thereof) was the court's punishment for a
false accusation and / or defamation. According to a verdict from 1494-1495,
Jan van Molle was sentenced to the *amende honorable* as punishment for in-
sulting Brussels aldermen. He was to walk a route, bareheaded and barefoot, in
his undershirt and carrying a candle, from the prison to the aldermen and
across the Brussels market right up to the Zavelkerk. Since it was in Mechelen
that he had uttered the insult, he also had to walk a route in Mechelen eight
days later – from the Korenmarkt (Grain Market) to the cathedral, again in his
underwear and carrying a candle.[28] According to a verdict from 1354, Liesbette
van Zantvoorde was also sentenced to an *amende honorable*. She also had to
walk a specific public route, bareheaded and "in her underwear" ("*in haren
roc*") and also make a pilgrimage. The charge was: expressing "*quade despiti-
ouse*" ("defamatory") words about a woman named Coppine van Lichtervelde.
If she were to re-offend, she would have to walk on Sunday, in procession, in
several parish churches, in order that her reputation might suffer even more.[29]

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[28]   VANHEMELRYCK, *De criminaliteit in de ammanie van Brussel van de late middeleeuwen
tot het einde van het ancien régime (1404-1789)*, p. 261 (verdict from 1494-1495). An *amende
honorable* was also demanded in the case of an alderman being insulted. See DE WIN, *De schand-
straffen in het wereldlijk strafrecht in de Zuidelijke Nederlanden van de middeleeuwen tot de
Franse tijd bestudeerd in Europees perspectief*, p. 138 (southern Low Countries).

[29]   J.B. CANNAERT, *Bydragen tot de kennis van het oude strafrecht in Vlaenderen, verrykt
met vele tot dusverre onuitgegevene stukken*, 3rd revised edn. (Ghent, 1835), pp. 154-156. For
more examples, see: VROLIJK, *Recht door gratie*; BERENTS, *Het werk van de vos*, p. 52; and DE
WIN, *De schandstraffen in het wereldlijk strafrecht in de Zuidelijke Nederlanden van de
middeleeuwen tot de Franse tijd bestudeerd in Europees perspectief*, p. 47, n. 31 (the last
secondary source gives an example in French from Dinant in 1463). The punishment was also

The pilgrimage as a part of the *amende honorable* is also mentioned in a provision from the village of Wittem in 1550, recorded 70 years after this court case was written down. The village is situated in the same region as Echt and Roermond. From the quotation it is clear that the guilty party, albeit without the candle, the procession and the linen undergarments, had to offer his apology in church, during Mass. He also had to make a pilgrimage, but this could be bought off with a fine:

> *Wan jemandt den anderen op syn eer sprecht ende segt hy waer een dief offt meyn-*
> *edig offt diergelycken, ende wolt bewiesen, ende hy wordt dan daerom beclaegt,*
> *ende en cost dan nyet bewysen, als sy voor recht quemen, soe weer der geene die*
> *de woorden gesprochen het, schuldig te coemen op den naesten sondag in de*
> *hochmissen, slechts nae den sermoon anden stoel staende te sagen met opender*
> *stemmen: "Ic heb op N. offt. M. gesagt, hy is een dief. Dat het ich gedacht ende*
> *gelogen. Ich haltem voor eenen goeden vroemen man". Ende dan werdt hy, offt is*
> *gewesen, op eenen wech sint Eebalt offt 8 gulden daervoir. Noch eenen wech Sint*
> *Nicolaes offt daervoir 4 gulden. Noch eenen wech tot Trier offt daervoir 2 gulden.*
> *Noch eenen wech tot Collen offt daervoir 1 gulden.*[30]

> When someone defames another [literally "speaks upon one's honour"] and says he
> is a thief or a perjurer or something similar, and he wants to prove this (allegation),
> and it turns out to be false when judged in court, the person who has spoken those
> words has to appear during Mass on the following Sunday, to declare after the
> sermon on the pulpit with a clear voice: "I have said on (the day of the) N (in the
> month) of M, that he is a thief. I have lied about it on purpose. I consider him to be
> a good, righteous man". After that, he has to go to Saint Ebald or compensate (the
> pilgrimage) with 5 guilders, and / or to Saint Nicholas or (compensate with) 4
> guilders, to Trier or 2 guilders, and to Cologne or (compensate with) 1 guilder.

Here, too, there is a precise description of the words to be used in the apology, just as in the demand made by Heyn. In both cases, the formula was as follows:

> I, [convicted], falsely accused [victim]. I made that up, it was a lie. I consider [victim] to be a good / devout man.[31]

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applied in cases of heresy. For example, a verdict from 1458 in Haarlem sentenced two men, charged with heresy, to an *amende honourable*. See J. VAN EIJNATTEN and F. VAN LIEBURG, *Nederlandse religiegeschiedenis*, 2nd revised edn. (Hilversum, 2006), p. 128.

[30] Wittem (1550), No. 72, p. 42.

[31] Other examples of the *amende honorable* as punishment for defamation in the Low Countries have been found in Utrecht 1416 and Brussels 1494-1495 by, respectively, BERENTS,

5.6 Tongue Punishments

The *amende honorable,* and in particular the formula mentioned above, when looked at from the perspective of the discourse of the ecclesiastical and secular-ethical domains, can be interpreted as follows. As was revealed by the analysis into harmful speech behaviour in the ecclesiastical and secular-ethical domains, both sinful and improper words are presented as being the rational and moral inability to control the tongue. Looked at from the discourse on the untamed tongue – as was shown in the discussion of the two domains – Johan loses control of his tongue, morally speaking, and that leads to a crime. With the public formula as a part of the *amende honorable,* Johan must show Heyn and the parishioners near to him, that he has regained control of his tongue and so forms no threat to them. The historian Elizabeth Ewan sees a connection between the Scottish formulas for apologies and tongue punishments in the case of speech crimes and contemporary Scottish didactic works on the sins of the tongue. The apology formula fits well with late medieval Scottish rituals of public revocation. Ewan speaks of "to undo the damaging effect of the words".[32] She states that the damaged reputation will be repaired by the uttering of the apology formula, and she also emphasises the importance of the apology being public. An intriguing detail is that in Scotland the formula consisted, among other, of the phrase 'tongue, you lied'. The instrument with which a person had sinned, was reproached – as though it were not attached to the person and had an evil will of its own.[33] This specific formula has not been found anywhere, within the exploratory context of this study, in the Middle Dutch sources.

To the Scottish apology formula 'tongue you lied', Ewan links a punishment for grave verbal offences: tongue perforation.[34] The part of the body that caused the harm is punished.[35] A brief search shows that this sentence was also pronounced in the Low Countries. For example, according to a verdict from 1435-1436 Gielys Ronman was sentenced to have his tongue pierced for utter-

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Het werk van de vos, pp. 52 and 72 (convictions), and VANHEMELRYCK, *De criminaliteit in de ammanie van Brussel van de late middeleeuwen tot het einde van het ancien régime (1404-1789)*, p. 261 (verdict).

[32] EWAN, "'Tongue, you lied'", p. 127.
[33] EWAN, "'Tongue, you lied'", p. 127; see also MAZZIO, "Sins of the tongue", pp. 55-56.
[34] EWAN, "'Tongue, you lied'", p. 124.
[35] EWAN, "'Tongue, you lied'", p. 127.

ing "bad words" to an authority figure.[36] Next to defamation, the punishment was also demanded in cases of verbal crimes such as politically subversive speech behaviour, heresy, and blasphemy.[37] In the Ghent *Bouc van den Crisme* (1539), it says that Pieter Arends was sentenced to have his tongue pierced for blasphemy. According to witnesses, Pieter Arends had, while intoxicated, thrown his wife out of the house, accompanied by the public utterance of terrible oaths, swearing on the five wounds, chin and buttocks of the Lord.[38] There is also a verdict from The Hague in 1470 (County of Holland), which speaks of the piercing of the tongue as punishment for blasphemy. The piercing was to take place after the convicted person had stood in the stocks in front of the Holy Cross for an hour. He was subsequently also whipped, and finally was banished forever.[39] The punishment can also be found in a provision in Amsterdam from 1517 on the slandering of councillors.[40] The legal historian R.C. van Caenegem gives an example of the chopping off of the tongue, for causing a rebellion, from 1383, which occurred in Ypres. The notice says "*Zoete van Ysigeem har tonghe ghecort*" ("Zoete van Ysigeem's tongue shortened").[41]

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[36] VANHEMELRYCK, *De criminaliteit in de ammanie van Brussel van de late middeleeuwen tot het einde van het ancien régime (1404-1789)*, pp. 261-262, district (*ammanie*) of Brussel. Banishment forever from Brabant was also part of the punishment.

[37] P.C. MOLHUIJSEN, 'Vervolg van aantekeningen uit de geschiedenis van het strafregt", *Bijdragen voor vaderlandsche geschiedenis en oudheidkunde*, 2nd series 2 (1861), pp. 195-239, at p. 228 (verdict in The Hague at the Court of Holland in 1470) and p. 229 (verdict in The Hague at the Court of Holland in 1540, piercing of the tongue for inflammatory language).

[38] CANNAERT, *Bydragen tot de kennis van het oude strafrecht in Vlaenderen, verrykt met vele tot dusverre onuitgegevene stukken*, pp. 53-56. See also DE WIN, *De schandstraffen in het wereldlijk strafrecht in de Zuidelijke Nederlanden van de middeleeuwen tot de Franse tijd bestudeerd in Europees perspectief*, p. 138, n. 21, and D.A. BERENTS, *Misdaad in de middeleeuwen: Een onderzoek naar de criminaliteit in het laat-middeleeuwse Utrecht* (Utrecht, 1976), p. 93. Cf. the discussion on the speech act of swearing on parts of Christ's body in chapter 3.

[39] MOLHUIJSEN, "Vervolg van aantekeningen uit de geschiedenis van het strafregt", p. 228. For piercing of the tongue for blasphemy, see also MOLHUYSEN, "Vervolg van aantekeningen uit de geschiedenis van het strafregt", p. 229, with a verdict from Haarlem 1521; and VANHEMELRYCK, *De criminaliteit in de ammanie van Brussel van de late middeleeuwen tot het einde van het ancien régime (1404-1789)*, p. 250. See also CANNAERT, *Bydragen tot de kennis van het oude strafrecht in Vlaenderen, verrykt met vele tot dusverre onuitgegevene stukken*, p. 63, for a verdict from Brugge 1477 on Gijsbert Wouters, whose tongue was pierced for using defamatory language and terms of abuse.

[40] MOLHUYSEN, "Vervolg van aantekeningen uit de geschiedenis van het strafregt", p. 229.

[41] R.C. VAN CAENEGEM, *Geschiedenis van het strafrecht in Vlaanderen van de XIe tot de XIVe eeuw* (Brussels, 1954: *Verhandelingen van de Koninklijke Vlaamse Academie voor Wetenschappen, Letteren en Schone Kunsten van België, Klasse der letteren* 19), p. 194.

An exploration of local verdicts and ordinances in several places in the Low Countries shows a direct link between physical crimes and verbal utterances, a link which is also recognised in the corpus from the ecclesiastical and secular-ethical domains. There is a remarkable correlation between forms of physical and verbal violence in, for example, the *Saksenspiegel*, a statute book, which is a fifteenth-century Middle Dutch version of the German *Sachsenspiegel*, a collection of customary laws which was completed between 1220 and 1227. In the Middle Dutch *Saksenspiegel*, the fine for uttering criminal words was as high as that for punching someone.[42] This was also the case in a legal provision from Harderwijk, of the second half of the fifteenth century. The fine for throwing a utensil, or stabbing with it (*rescape*) was as high as the fine for swearing. The fine was higher if the utensil hit its mark.[43] An interesting point in the framework of the physically harmful association of criminal words is the characterisation of criminal words in the verdict in the Utrecht *Liber albus* (1340) as "sharp". The adjective evokes the association with wounding and cutting.[44] In books such as the *Snitser Recesboeken*, certain utterances, made in specific circumstances, seem to be deemed more criminal than physical acts. This is demonstrated, for example, in the demand by the widow Aeff Wielmaker, from Sneek (in the province of Frisia). She ran a public house, and when stonemason Jan Aryssoen threw her against a bench, she demanded one florin

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[42] *Saksenspiegel*, in the edition *De Saksenspiegel in Nederland*, ed. B.J.L. DE GEER VAN JUTPHAAS, 2 vols. (The Hague, 1888: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 1st series, 10), 1, No. 309, p. 171 (beginning of the fifteenth century). See also M.D. VELDHUIZEN, "Doet schelden pijn? Middelnederlandse scheldbepalingen (1350-1550)", *Madoc* 23 (2009), pp. 154-159.

[43] Harderwijk (second half of the fifteenth century), Nos. 107 (swearing) and 110 (throwing a jug), p. 17; for more criminal words, see No. 108, p. 17, a verdict on lying. See also Elburg (1467), Nos. 18, p. 72, and 20, p. 73. Punching someone is punished with a 4 pound fine in this verdict, as opposed to 10 pounds for terms of abuse such as 'thief', 'murderer' or 'whore' (end of the fourteenth century), p. 7, Nos. 1 and 4: a fine of 5 pounds for both swearing and beating someone black and blue, but only 1 pound for punching someone. However, the fines are changed in the reintroduction of the ordinances (in manuscript B) – date unknown: 1 pound for swearing and 5 pounds for punching someone. Vollenhove (from 1318 on), in the edition *De stad Vollenhove en haar recht: Eene bijdrage tot de Overijsselse rechtsgeschiedenis*, ed. S.J FOCKEMA ANDREAE (Zwolle, 1885: *Overijsselsche stad-, dijk- en markeregten* 1.5-1.6), Nos. 4, p. 42 and 6, pp. 42-43: a fine of 5 pounds for slandering someone ("*die den anderen an sijn ere spreke*") and only 1 pound for punching someone. The fine for throwing a jug at someone is, however, equal to that for swearing: 5 pounds.

[44] Utrecht, *Liber albus* (1340), in the edition *De middeleeuwsche rechtsbronnen der stad Utrecht*, ed. S. MULLER Fz, 2 vols. (The Hague, 1883-1885. *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 1st series 3), No. 4, p. 263.

in damages. But because of the stonemason's accompanying "injurious words", she demanded four times as much as for the physical act – no less than 4 florins.[45]

5.7 *The* Amende Honorable *as a Grace-Threatening or Face-Threatening Act for the Speaker*

Since Johan has to make offerings to Jesus and Mary and to the victim himself, and has to ask Heyn for forgiveness "*om Gaitswille*" ("for God's sake"), Heyn's demand suggests that Johan Muetsel needs to redeem himself before God, Jesus and Mary. Therefore the punishment is a non-verbal grace-threatening act for its speaker. The pilgrimage, too, another part of the demanded punishment, can be seen as a form of ecclesiastical penance, aimed mainly at Johan's spiritual welfare.[46] That brings us to the question why the *amende honorable* had to take place in the church, according the Heyn's demands. In the case of sinful words in the ecclesiastical domain and foolish ones in the secular-ethical domain, the emphasis is equally firmly on the consequences of the harmful speech behaviour for the speaker himself. Uttering sinful words sullies the soul of the speaker. In order to make the soul pure again, a counteracting speech act must take place: a confession.

In addition, the punishment, and in particular the public apology, are deemed to be a face-threatening act for Johan. Not only that, the *amende honorable* could function as an instrument to revoke the face-threatening words said about Heyn. In other words, the recovery of the 'face' of Heyn is at the

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[45] BREMMER JR., "Schelden doet zeer: Verbaal kwetsen in laat-middeleeuws Friesland", pp. 30-31, and R.H. BREMMER JR., "Insults hurt: Verbal injury in late medieval Frisia", *Amsterdamer Beiträge zur älteren Germanistik* 49 (1998), pp. 89-112, at p. 108. Aeff also demanded a "golden guilder" for being hit on the hand.

[46] CANNAERT, *Bydragen tot de kennis van het oude strafrecht in Vlaenderen, verrykt met vele tot dusverre onuitgegevene stukken*, p. 79; FREDERIKS, *Het Oud-Nederlandsch strafrecht*, pp. 411-415 (he puts the *amende honorable* in the category of 'penances' and not in the category of 'honour punishments'): M.C. MANSFIELD, *The Humiliation of Sinners: Public Penance in Thirteenth-Century France* (Ithaca and London, 1995), p. 52; and HERMESDORF, *Rechtsspiegel*, p. 222. Hermesdorf refers to the *amende honorable* as a "public confession", as does Elizabeth Ewan. According to Ewan, the private nature of confession (since the Fourth Council of Lateran of 1215) did not entirely replace earlier ways of doing public penance. See EWAN, "'Tongue, you lied'", pp. 117-119.

cost of Johan's.[47] For Heyn to be restored, Johan must be subjugated. The apology must also take place before the court, otherwise there can be no change in cognition by the aldermen (as an effect of the supposed defamatory words uttered by Johan), and the judicial face-threatening situation for Heyn would remain. In a verdict in which a similar formula is mentioned, a telling Middle Dutch expression for 'revoking' is used: "*in de hals cloppen*" ("to gulp down the throat"). The judgement is on Bele Cremers, the wife of Dove Dybbelt Claiszoon, in the Elburg *Liber sententiarum* of 26 August 1551 of Elburg (Veluwe Quarter of Guelders, nowadays in the province of Guelders). Bele Cremers had said of the mayor, Wolter opten Dijck, in the presence of the council, that Wolter was unfit for his position:

> *Heft dairom Bele alsulck scheltwoirden wederom in oeren hals gecloppet, seggende, sij hadde sulck woirde onverdacht gesegt ende durch haesticheit, und dat sij van hem anders niet en wuste dan alle frommicheit ende alle weerdicheit, belangende so wel des ampts des raetz, als sijner dagelixer conversatiën.*[48]

> For this reason (of uttering slanderous words to the mayor) Bele has eaten her defaming words, saying she had spoken those words inconsiderately, and that she regarded him being nothing but righteous and worthy, in his profession as well as during conversations off duty.

Being accused of wrongly occupying an official government position was extremely face-threatening for the mayor. As a punishment, Bele had to revoke the words before the court, 'pour' the words back into her own throat, as it were. Describing the crime as "calling names" ("*alsulck scheltwoirden*") should not – just as in Johan Muetsel's utterance – be taken to mean random use of terms of abuse, but should be seen as an actual accusation, namely that Wolter the mayor had no right to his position in court. It is remarkable that Bele says she uttered the defamatory words inconsiderately, so she had spoken

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[47] See also GLAUDEMANS, *Om die wrake wille*, p. 78. In the context of feuds in Holland and Zeeland between 1350 and 1550, Glaudemans refers to the importance of a public reaction to slander.

[48] Elburg, *Liber sententiarum* (1551-1562), in the edition *Geschiedenis en rechtsontwikkeling van Elburg*, ed. P.A.N.S. VAN MEURS (Arnhem, 1885), p. 119. Incidentally, Bele re-offended and had again to revoke an utterance before the court; see the same source, p. 119. "If you eat your words, you accept publicly that you were wrong about something you said", website of English as a Second Language (ESL), http://www.usingenglish.com/reference/idioms [09/05/2016].

the words with no intention of questioning Mayor Wolter opten Dijcks' position in court. This functions as a disclaimer: she meant no harm. In terms of the speech act theory, Bele denied that her remark about the mayor was the perlocutionary act of an accusation – at least if we take it that the source is a reliable representation of her speech behaviour. She indicates that she has failed to meet an important condition of accusations, namely that a speaker should mean what he says. So she could not take her words back, since she presented them as an empty deed, something that was unintentional.

5.8 Variables in the Speech Situation

There are striking parallels to be found between court cases such as the one with Bele Cremers and the *plurade*-case from 1480. Johan was also required, according to Heyn's demands, to say that he did not mean the words, that it was a lie and he did not mean it like that. He says only that he acted insincerely. Looked at in language theory terms, he admits that he has breached Grice's maxim of quality, but did not intended to carry out a face-threatening act. In that light, it is judicially less important that the maxim of quality is adhered to, than that it is to meet the need for 'welfare of the face'. However, the comparison between the two cases should be approached with caution. The Bele Cremers case concerns the accusation of a high-level male person by a female of unknown social status. There are two variables here: gender and the social balance of power between the two parties.

Men and Women

First, the variable gender can affect the harmful potential of the spoken word. For example, in the 'defamation laws' in local court records, there is a clear differentiation in gender in punishments with a physical component, such as carrying 'stones of shame'. Women who were convicted of defamation (often called *quade woerde*, 'evil words'), were condemned to carry a stone of shame. They were to walk a particular route, so that they would be seen by the local community, who could then mock them. In this way, convicted women shuffled past the scene of the crime, carrying stones of shame around their necks along main streets, to the parish church and other public places. An Ant-

werp provision from the middle of the fourteenth century condemns a number
of cursing and swearing (also whoring) women to this punishment. However,
this punishment could be bought off for the sum of 3 pounds.[49]

A strict differentiation is also made between men and women in the city
provisions on *quade* words in both Zutphen (second half of the fourteenth
century; nowadays in Gelderland) and Bolsward (1455; in Frisia). Both had to
pay the same fine, it is true, but the punishment for defamation varied. The
woman was condemned to carry the stone. The man, on the other hand, was put
in the stocks (*pellorijn*).[50] The *Oude keuren der stadt Breda genaemt het houte
boecxke* (Breda is situated in nowadays in the province of North Brabant, in the
southern part of the Netherlands) also contain a provision in which a woman
who swears, whether at a woman or a man, is to carry the stone of shame. In-
terestingly enough, the law explicitly addresses female speakers, while the
listeners could be both female and male:

> *Soe wat wive die quaet sprake tot wive oft manne, die sal die steen draghen oft een
> jaer die poorte verboert si.*[51]

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[49]   Antwerp (mid-fourteenth century-1419), No. 19, p. 4. See also DE WIN, *De schandstraf-
fen in het wereldlijk strafrecht in de Zuidelijke Nederlanden van de middeleeuwen tot de Franse
tijd bestudeerd in Europees perspectief*, p. 46 (Turnhout, 1404): two women who had quarrelled
and uttered "scandalous words" were initially both condemned to carry the stone of shame. In the
end, they were able to reach an agreement with the local official and pay a fine. See also
BERENTS, *Misdaad in de middeleeuwen*, p. 72. Berents gives an example from Utrecht (1428) of
a blaspheming woman who was condemned to carry the stone and subsequently was banished for
ten years. It was often possible to buy off the punishment of the stone of shame, so in practice less
wealthy criminals were generally the ones who actually had to endure the punishment. See E. VON
KÜNSSBERG, *Über die Strafe des Steintragens* (Breslau, 1907), for examples from Germany of
the carrying of a similar stone of shame.

[50]   Zutphen (first half of the fourteenth century), in the edition *Rechtsbronnen der stad
Zutphen van het begin der 14de eeuw tot de tweede helft der 16de eeuw*, ed. C. PIJNACKER HORDIJK
(The Hague, 1881: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche
Recht*, 1st series 2), No. 106, p. 95; Bolsward (1455), pp. 36-37; Hasselt NL (fifteenth century),
No. 12, p. 36; and Vianen (1408), Nos. 50, 52 and 53, pp. 144-145. In the case of the fine not
being paid within fourteen days, in Vianen a man was sent to prison, and a woman had to carry
a stone from the Watergate to the church. Should she fail to do so, she would be banished.

[51]   Breda (1373), in the edition *Oude rechtsbronnen der stad Breda*, ed. W. BEZEMER (The
Hague, 1892: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche
Recht*, 1st series 14), No. 3, p. 4. See also Leiden (pre-1370, court records from 1397), No. 39,
p. 92 reintroduced in court records from 1406, No. 8, p. 34, court records 1450, book 4, No. 27,
p. 217, and in court records 1508, No. 14, p. 318.

> Women who slander women or men will carry the stone or will be exiled from the city for a year.

That is a severe punishment, which is compared to the alternative of being banished from the city gates for a year. However, in his study into shame punishments in the southern Low Countries, P. De Win nuances the gender aspect of defamation. Initially, only women were condemned to carry the stone of shame, but from the fifteenth century on men, too, were condemned to carry it (also for adultery and lewd behaviour).[52]

Hierarchical Relation

Another variable which can affect the potentially harmful effect of words on the recipient is the balance of power between the speaker and the recipient. A regulation (*c.* 1467) from Elburg shows in the fines that slandering a figure of authority is a graver offence than slandering an 'ordinary' individual. The speaker could expect a fine of ten pounds for slandering a fellow citizen, and twice that for slandering an alderman. The fine was tripled when an alderman of the council was slandered before the court.[53] More research is needed to determine whether or not the examples mentioned for the variables of gender and hierarchical position are representative for the Low Countries as a whole. As touched on briefly in the introduction to this chapter, one must take into consideration local variations in judicial interaction with speech crimes in similar situations.

[52] DE WIN, *De schandstraffen in het wereldlijk strafrecht in de Zuidelijke Nederlanden van de middeleeuwen tot de Franse tijd bestudeerd in Europees perspectief*, p. 47.

[53] Elburg (*c.* 1467), No. 18, p. 72 (slandering citizens); Elburg (*c.* 1467), No. 4, p. 69 (slandering aldermen or council, before the court or not); Breda (1373), No. 4, p. 3 (lying about somebody). According to *Oude keuren der stadt Breda genaemt het houte Boecxken* (1373), deliberately uttering harmful words that can damage another's reputation (*afdraghende* words) about aldermen, mayors and the council is to be punished by a pilgrimage to, among other places, Rome or Santiago de Compostella ("*sente Jacops in Galissien*"). The pilgrimage was a harsh punishment compared to the punishment for slandering an 'ordinary individual' in the same court records, which often amounted to a mere fine.

5.9 Conclusion

"*Meyneydich boeve*" ("perjuring crook"): measured against the linguistic observations, this expression by landlord Johan about his tenant Heyn, uttered in his presence and in the presence of the aldermen court of Echt, has countless tacit implications. The same expression transformed from a potentially justified act into a crime. During the first phase of the battle between Johan and Heyn, the expression was a deliberate and legitimate accusation of perjury, at least from Johan's point of view. However, Johan failed to provide sufficient proof of the accusation to convince the aldermen of Roermond. That changed the relation between landlord and tenant completely. The expression was seen as a false accusation, an unjustified face-threatening act. Johan now found himself in Heyn's place, in the dock, and the High Court in Roermond recommended he eat humble pie, by way of, among other things, the reconciliation ritual of the *amende honorable*. From the perspective of the discourse on the untamed tongue, as revealed by the analysis of the texts form the ecclesiastical and secular-ethical domains, it was a way for Johan to show Heyn and the court that he had regained control of his tongue. Another interpretation of the *amende honorable* is that Johan had to repair the damage to his 'face' that Heyn had suffered, or threatened to suffer. The punishment can therefore be seen as a face-threatening act for Johan. In addition, elements from the punishment (asking forgiveness, offering candles) indicate that Johan's utterance was grace-threatening to himself. Lastly, two relevant variables in the speech situation have been revealed which affect the harmful potential of criminal words such as those uttered by Johan: gender (the speaker as male / female) and the hierarchical relation between the speaker and the recipient.

Closing Observations:
The Discourse on the Untamed Tongue

6.1 Introduction

The tongue breaketh bone though itself hath none. A tongue, with its insignificant appearance and complete lack of support from bone, is, however, capable of causing serious damage to other parts of the body. The tongue, as metonymy for the human capacity for speech, has a great potential for harm. This proverb takes the view that words can be harmful acts. This ties in with the idea from language theory that the spoken word can have an effect outside of language, an effect that might be comparable to the breaking of bones. It was stated in the introduction that this Middle Dutch proverb does not stand alone, but rather forms part of a widespread focus on harmful speech behaviour. Moreover, that focus is not unique to Middle Dutch, for the same focus has also been observed in other language areas in the late Middle Ages.

The study suggests a twofold innovation in respect of existing research into harmful speech behaviour in the Late Middle Ages in Europe. For the first time, three domains have been studied with the aim of ascertaining the extent to which an overarching discourse on harmful speech behaviour can be found. Secondly, in order to reveal such a discourse, modern language theory ideas have been used in the analysis. These closing observations take a look at the results achieved. In order to determine whether or not there is an overarching discourse, this chapter will compare a number of the findings from the three domains with each other.

6.2 The Discourse on the Untamed Tongue in the Three Domains

In the last three chapters, we have examined notions on harmful speech behaviour in three individual domains. The speaker of sinful words (chapter 3) chatters, brags and / or uses scabrous language. He glorifies himself and flatters others, he slanders, curses, grumbles about God and his superiors, his speech is rebellious and he blasphemes. In addition, he does not speak the truth, but lies and commits perjury. Speakers of improper words (chapter 4) can be divided into two types. The first is the speaker of foolish words. He talks a lot and without thinking, he does not listen (for example to good advice or constructive criticism), he is proud of his own accomplishments, and he quarrels. The second type of speaker embraces flatterers and slanderers. Lastly, the speaker of criminal words (chapter 5) makes false accusations. He slanders both individuals and authority figures and is called to account by the local and regional courts of law.

A number of recurring elements can be distilled from the analysis of the texts in the ecclesiastical, secular-ethical and judicial domains, elements which display cohesion in the area of notions on harmful speech behaviour. The research shows contours of a discourse to be found overarching the domains. In this study, it is called the 'discourse on the untamed tongue'. The similarities between the ecclesiastical and secular-ethical domains are particularly striking. The judicial domain displays similarities with the other two domains, but also some clear differences.

First, the authors of the ecclesiastical and secular-ethical domains represent the tongue as an organ causing both extremely positive and negative effects, life and death. On the one hand, the capacity for speech is the most beautiful gift given by God to mankind. Words make exceptionally beautiful things possible: God can be praised, souls can be cleansed during confession. The tongue makes it possible to teach people, to make well-considered decisions known to others, contrary to the way it is in the animal kingdom, and, in doing so, construct society. However, the authors hasten to add that there is also nothing more despicable than the tongue. In the same way as the tongue can build society, so it can destroy it. That same capacity for speech makes it possible to slander God and undermine human society. A person can verbally murder a fellow human in a social sense. The tongue enables people to lie and deceive, swear and flatter, deride and curse. Moreover, the tongue can pollute the speaker's soul.

Secondly, at the core of the overarching discourse is the notion that harmful speech behaviour is the result of an untamed tongue. The discourse on the untamed tongue is characterised by the language of control. The tongue is presented as a part of the body which stands alone and has its own will. And not only that. The tongue has its own *malicious* will. It has a tendency toward evil, as stated in *Spiegel der sonden* (prose and rhyming version). According to the secular-ethical *Dietsche doctrinale*, in the telling chapter '*Van spraken ende tonghen te bedwinghene*' ('About speech and controlling the tongue'):

> *Die sine tonghe dwingt vander haest*
> *dat hi Gode es alder naest.*[1]

> Who forces his tongue not to make haste, is nearest to God.

Harmful speech behaviour occurs when the speaker is unable to control himself. This is why the word 'tame' is perhaps closer to the heart of the discourse than 'control'. It is impossible to completely control the tongue, according to the ideas which emerge from the texts in the ecclesiastical and secular-ethical domains. In the same way a lion-tamer can subdue a lion, man should tame his tongue.[2] A lion will never allow itself to be domesticated completely. It will always be a wild animal. If the tongue is left untamed, it will inevitably lead to excesses. Anyone who neglects his task as 'tamer', is giving his tongue too much leeway, and it will display bad behaviour. According to imaging in the ecclesiastical and secular-ethical texts, the tongue is naturally inclined toward evil. Given free rein, the tongue will utter, unimpededly, all words. That will inevitably lead to sin. The consequence of this is, that man must be vigilant of his tongue his entire life. He must continually work at taming the tongue, and should adopt an attitude of constant surveillance. Speaking in a good way is not at all a natural inclination of the tongue. Good speech behaviour, or rather resisting bad speech behaviour, must be consciously cultivated. Keeping this part of the body under control costs great effort. Speaking well demands dedication, brotherly love, introspection, and strong self-discipline. The analysis of the judicial domain shows instances of punishments in which the tongue of the

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[1]   *Dietsche doctrinale* book 1, chapter '*Van spraken ende tonghen te bedwinghene*', ll. 226-227.
[2]   See KAMENSKY, *Governing the Tongue*, p. 24, for a comparison between tongue and animal in the context of the speech behaviour of British colonists in New England.

perpetrator is central – those in which the tongue was pierced. The part of the body that had committed the crime was punished and tamed.

Another element of controlling language is the concept of 'idle speech' (*ydel woerde*), the first sin of the tongue mentioned in *Des coninx summe*. Idle speech is closely related to the secular-ethical concept of 'volubility' (*vele sprekens*). The words 'idle' and 'voluble' should be interpreted not so much as 'empty' and 'excessive' but rather as 'unfiltered' and 'unrestrained'. In these forms of harmful speech behaviour, the filtering element has been disconnected. The tongue is untamed, and blurts out all words, harmful or otherwise. An important point in the discourse on the untamed tongue, as indicated in the ecclesiastical and secular-ethical domains, is that of Grice's cooperative principle of quantity: do not use more words than are absolutely necessary. A moral nature is attributed to this cooperative principle, contrary to its interpretation in today's world. Anyone speaking too freely is bound to sin sooner or later.

To convince their audience of the dangers of speech, the texts from the Middle Dutch ecclesiastical and secular-ethical corpus mention variants of the 'container metaphor', in which man sees himself as vessel containing, among other things, words and thoughts.[3] Man is a barrel, a treasure chest or a walled city, in which the inner self can be found. The tongue (or variants like mouth / lips / teeth / neck) forms both the entrance and the exit. It is compared to a lid, a city wall or a gateway between the outside and inner worlds – it is a body part which moves between man and the world around him.[4] In the judicial domain, too, variants of the container metaphor can be found, in which man sees himself as a circumscribed object, with the tongue as an important gateway. In the context of a court case, the expression "swallowing words" ("*in de hals cloppen*") was used. Speech is an act which can cause a movement from inside to outside, as an expression of one's innermost, of one's thoughts. The tongue offers thoughts from the inner world a passage to the outside, in the form of words. At the same time, there is also a movement from outside to inside, with which the inner self can be either polluted or purified by the tongue. On the one hand, the tongue is seen as the point of entry for any pollution of the soul. That makes harmful speech behaviour a grace-threatening act

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[3]   See on George Lakoff and Mark Johnson's *Metaphors We Live By*, paragraph 2.4.2.
[4]   For this ideology, expressed in early modern times in Latin sources, see MAZZIO, "Sins of the tongue", pp. 55-56.

for the speaker. On the other hand, the tongue can ensure purification of the soul by means of confession. Expressing one's thoughts cleanses the soul.

Given that the tongue forms both an entrance to and exit from the inner self, it should be guarded carefully, according to the corpus about sinful and improper words.[5] To avoid harmful effects, one should consciously filter one's words before speaking. The words should be considered on this threshold for as long as possible.[6] Filtering words can have two meanings, both of which are extensively discussed in the ecclesiastical and secular-ethical texts. First, it means that the speaker is a blabbermouth, who blurts out whatever comes into his head, without any thought for the consequences. Secondly, it means that the speaker does consider his words, but is insincere and fails to filter his words morally. Anyone who utters harmful words, is not acting conscientiously. He refuses to hold his tongue, even though he realises the negative effects that certain words can have on the subject or the recipient, and even on the listeners. Lacking to filter words is both an inability to refrain from expressing one's thoughts, feelings, and wishes (speaking vainly, bragging, swearing) and uttering words in order to deceive, threaten, and disadvantage the other (flattering, lying, and perjuring). The unguarded moment, and the impulsive use of the tongue, can be the result of irrationality (a question of not thinking carefully before speaking) or immorality. Therefore, uncontrolled speech does not only mean speaking 'impulsively' or 'irrationally'. It can also be consciously immoral behaviour, far from impulsive and very well-considered.

The moral dimension of speech is strongly emphasised. Anyone who lies, deceives, or flatters is morally incapable of keeping his words inside. The texts from both the ecclesiastical and the secular-ethical domains reveal that anyone who fails to filter his words morally, is described as someone who is ethically depraved. According to *Sottenschip,* someone who speaks impure words is also

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[5]   M. DOUGLAS, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (London, 1966). Douglas points to the phenomenon that occurs when a community feels threatened: the group's boundaries are guarded extra vigilantly, and everyone looks to the points at which the threat infiltrates and pollutes the group. See P.A. BAKER and H. NIJDAM, "Introduction: Conceptualizing body, space and borders", in: *Medicine and Space: Body, Surroundings and Borders in Antiquity and the Middle Ages*, ed. P.A. BAKER, H. NIJDAM and K. VAN 'T LAND (Leiden, 2012), pp. 1-19.

[6]   A body's boundaries need not necessarily coincide with the skin. For example, in a stadium full of people, where everyone is pushed up against each other, the boundary is inside the skin; in your home, or at your office, the boundary is far outside the skin. W.I. MILLER, *Eye for an Eye* (Cambridge, 2006), p. 135, calls the margin with which the boundary can fluctuate a 'force field'. See also NIJDAM, *Lichaam, eer en recht in middeleeuws Friesland*, pp. 319-320.

impure on the inside. It is stated that every barrel releases that which it contains. And according to *Blome der doechden*:

Bij den worden merct men den man ende verneempt wat hij in heft.[7]

One recognises a person by his words and detects what he is like on the inside.

An important related element is the malicious intention behind the harmful words. In the ecclesiastical and secular-ethical domains the intention is often formulated in terms of the deadly sins. In the ecclesiastical domain, committing perjury, for example, has its basis in avarice (*avaricia*), while slander comes from envy (*invidia*) and bickering from wrath (*ira*). In the secular-ethical domain, the malicious source of words is characterised particularly in terms related to the deadly sin of pride (such as in the cases of flattery, bickering, self-glorification, and blasphemy). The humble person restrains himself. Words are deemed to be extremely harmful when the intention does not primarily put the interests of the other person first. The judicial case study shows that the 'malicious source' behind a criminal utterance is a relevant element, just as it was the case in the other domains. The court decided that the landlord's intent was malicious, namely to intentionally accuse tenant Heyn of perjury.

Due to that malicious source, words are often compared to weapons (arrows, swords, knives) in the ecclesiastical and secular-ethical domains. The tongue is as a sword, a razor, an arrow: these weapon metaphors underline the active character of words, and in particular their potential for harm. In the same way as words, weapons can often be used with evil intent, to wound someone. These metaphors are used to show the harmful effects that words can have. They are capable of wreaking just as much damage, and causing just as much pain, as physical acts. Harmful speech acts are compared to the gravest of crimes – from theft to committing murder. Although this may not initially be as evident as in acts like physical violence and theft, certain speech acts (such as swearing, slander, and lying) can have detrimental effects for the speaker, his fellow man, and for God, Jesus, Mary, and the saints. However, in the judicial domain, defamation is understandably not punished as severely as murder. There are noteworthy similarities, though, between verbal and physical violence in the levels of penalties. That can be seen in the laws against swearing

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[7]   *Blome der doechden*, sixth flower, *wijsheit* ('wisdom'), p. 41.

in local court records. Verbal violence is fined the same amount as a mild form of physical violence.

As well as controller and offender in one, man is also described as perpetrator and victim of sinful, improper, and criminal words. Great importance is attached to the potentially harmful effects of the words on the speaker himself. Words can lead to two types of threat. They can threaten both the soul of the speaker (grace) and his reputation (face).

The tongue that speaks is grace-threatening, because the tongue can pollute the soul of the speaker. In the ecclesiastical and secular-ethical domains, the tongue is described as a crucial gateway to, or lid on, the route to the innermost self. The case study shows that even in the judicial domain this grace-threatening aspect is emphasised.

The tongue is face-threatening because certain speech behaviour diminishes the speaker's credibility in the eyes of others. Self-glorification and perjury therefore lead to loss of face in the speaker. Harmful speech acts are described as face-threatening acts. According to the texts in ecclesiastical and secular-ethical domains, words which affect the face of the subject are extremely threatening. In addition, harmful speech acts are often presented as face-threatening acts for the speaker himself. Loss of credibility as a result of certain sinful speech behaviour is mentioned. This concerns the perlocutionary effect of, for example, bragging words on the recipient. The speaker's intended effect is to receive praise from the recipient, while the recipient interprets the words quite differently. The effect is that the recipient does not believe the words, diminishing his opinion of the speaker as a result of the utterance. The emphasis on the face-threatening character of words is particularly striking in the ecclesiastical domain, in which one might expect only the grace-threatening character to be prominent.

According to the Middle Dutch ecclesiastical and secular-ethical corpus, it is of little importance whether or not the content of sinful or improper words are true. A flatterer may compliment someone on actual merits or characteristics, in the same way as a bragger may praise himself without uttering something untruthful. Nor does a slanderer necessarily have to be lying. The slander results not so much in lying (propositional content), as that it is a case of revealing personal, unpleasant elements of another person in public, thereby incurring a perlocutionary effect on the recipient which is harmful for the subject. The use of the dung beetle as a metaphor for the slanderer in *Des coninx summe* is significant. Just as a dung beetle digs around in other people's excre-

ment, the slanderer is digging around in other people's problems. Criticism is, according to the ecclesiastical and secular-ethical sources, only harmful to the subject when the criticism is expressed behind his back (slander) and the words are uttered in public. Praise only leads to harmful effects when it is spoken directly to the subject (flattery), or when the speaker is also the subject (self-glorification). So there are good and bad forms of praise (favourable personal information), and good and bad forms of criticism (unfavourable personal information). Praise only becomes harmful when it is expressed directly to the subject. Only then does it fall into the category of flattery. Criticism can only be harmful when expressed behind someone's back. Only then is it slander. In this respect, the judicial domain deviates greatly from the other two domains. In the case study on criminal words, the propositional content proved crucial. Here, slander is specifically defined as a false accusation of a crime. If the landlord's accusation had been true, he would not have ended up in the dock, but rather his tenant would have. Grice's maxim of quality (which is breached when a person lies) plays a much more important part in the judicial domain than in the other two domains. Moreover, legal focus is directed solely at speech acts which are characterised by negative or unfavourable personal information, not forms of praise such as flattery and self-glorification. Flattery or self-glorification are not judicial categories, but defamation and blasphemy are.

These observations might lead one to believe that the categorisation of harmful speech acts in the texts from the domains is crystal clear, and that the distinction between what is and is not harmful speech behaviour is clearly defined. However, there are borderline cases, and they are often the ones discussed extensively: for example, does telling a white lie constitute sinful speech behaviour, and if so, to what degree? This can be seen in particular in the ecclesiastical domain. Although the authors of the ecclesiastical corpus go to great lengths to divide harmful speech behaviour into clear categories, there remains room for problematising. Whether or not certain speech behaviour is sinful is not the only issue; the extent to which it is sinful is also important in order to obtain absolution. Does it concern a deadly sin or is it merely a slightly sinful 'everyday' sin? In the first case, the speaker's soul is in grave danger, and only confession can offer relief. In the second case, a sincere prayer for forgiveness would be sufficient to allay the danger. The ecclesiastical domain highlights the phenomenon of a person lying, but with the best intentions. It is therefore possible to breach Grice's maxim of quality deliberately. A speaker might consciously choose to tell a 'white lie' rather than blurt out the truth,

because it is more beneficial for his fellow man, and this could be well-intentioned. Admittedly, it is still a sin, according to *Cancellierboeck,* but not a deadly sin. Equally, in the case study from the judicial domain, it was at first unclear whether landlord Johan Muetsel's utterance was criminal. If the court had found his utterance proven, the landlord would have been released and the tenant could have been expected to be punished.

The analysis of the three domains reveals a number of variables in the speech situation which contribute to the harmful potential of speech behaviour. For example, 'subtle' forms of harmful speech behaviour are regarded extra severely. These are the forms that have an anonymous character, in which the subject does not know who the speaker is, and in which no-one can remember who originally spread certain harmful utterances. Such anonymous harmful speech acts are dangerous because it is impossible to confront anyone with them. In that way, words can easily spread. Speech acts with an anonymous character, in which the subject does not know the identity of the speaker, are presented as being extremely dangerous, socially. This concerns in particular lying, flattering, slander, 'speaking with two tongues', and having straw men praise one on merits (such as producing good wine). This also applies to muttering and inflammatory speech. These subversive forms of speech behaviour are presented in *Des coninx summe* as being the gravest sins of the tongue after blasphemy. They are 'subtle' forms of harmful speech behaviour because they cannot immediately identified by listeners as harmful, making it difficult for the authorities or one's fellow men to monitor. Since no-one can or does take responsibility for these speech acts, they have free rein to proliferate, causing great harm, particularly for the subject of the speech act.

Besides the anonymous or public nature of words, another relevant variable is the relation between the conversation partners. The degree to which speech behaviour is seen as harmful can depend on the relation between the conversation partners. This relation is expressed in the difference in power and the type of the relation between the conversation partners. When the speaker is addressing a superior, praise can be seen as flattery. Different norms apply to a father-son relationship than to that between a high-ranking person and a subordinate, or citizen and the aldermen's court. Another important factor is the moral status of the subject in variations of slander (*detractio*) as described in the secular-ethical domain. Those being spoken about are often good and innocent people. Slander is extremely harmful when 'virtuous' people are its victims.

The setting of a speech situation is also an important variable. According to the 'discourse on the untamed tongue' as revealed in the ecclesiastical and secular-ethical domains, the specific speech situation of the spoken word can play an important part in the degree to which a speech act is harmful. This often concerns a public setting, such as a church, in the case of the speech act 'chatting', or the official situation of a court case in a court of law, in front of a judge, as in the case of 'giving false testimony'. One component of the criminal nature of the slander by the landlord in the judicial case study is, that he uttered the words *meyneydich boeve* ('perjuring crook') in front of the aldermen in the court of law. Johan's words would not have been legally face-threatening to either Heyn van den Eynde or the aldermen, had they been uttered outside the court of law. Had the same words been uttered in a private situation, or even in the street (although a public, not an official space), the utterance would probably not have been punishable.

The discourse on the untamed tongue is also characterised by a noticeable focus on the recipient and any bystanders present at a speech situation. In particular the advice on lying, perjuring, flattering, and slander is often aimed at the recipient of these speech acts. Behind this advice lies the issue: how should one deal with dangerous speakers? It is important which people, other than the speaker, are involved in the speech situation. In the notions on harmful speech in the ecclesiastical and secular-ethical domains, recipients and any bystanders are considered jointly responsible for the damage done to the subject in question by harmful speech behaviour, and they will all be held to account by God. All conversation partners share the responsibility where harmful speech behaviour is concerned. After all, words only lead to harmful effects if there are listeners present. For example, a gentleman should be wary of flattery. Should a servant compliment him, he would do well not to listen. Looked at in this way, pointing to the responsibility of the recipient could well be regarded as a strategy to restrict harmful speech behaviour. In language theory terms, a harmful speech act is unsuccessful if there is no recipient. In many forms of harmful speech behaviour, a sincerity condition, according to Searle's terminology, is formed by the presence of bystanders in the speech situation. Without bystanders, many forms of speech behaviour would fail to have a damaging effect on the subject. Even though a speaker's intention is malicious, harmful words need listeners to cause an unfavourable effect on the person being spoken about.

6.3 Context

The 'discourse on the untamed tongue' ties in with Augustine's semiotics (see chapter 2), in which language is seen as the messenger (*nuntius*) of reason and a means with which people communicate intellectual and ethical reflections to each other. In the ecclesiastical and secular-ethical domains, speaking is described as the packaging of thoughts (words are messengers from the inner self: man is a barrel and the mouth is a gate). However, this Augustinian view is also problematised. The Middle Dutch texts reveal an awareness of the fact that the spoken word is subject to interpretation. For example, a recipient can never be sure of correctly interpreting the speaker's innermost thoughts and intentions, and of a one-to-one codification of them. In fact, the threat of harmful effects lies, in part, in this naive view of speech (the packaging and unwrapping of thoughts). This is because an important recurring element in the construction of harmful words is that the recipient does not know the actual thoughts of the speaker, and the speaker does not know how the recipient has 'decoded' his message. According to late medieval ideology on the human capacity for speech, human society is based in large part on having faith in each other's honesty. Since there is a lack of transparency between someone's inner self and his words, liars are capable of pulling the wool over the eyes of their listeners, flatterers can justify the unjustifiable, and perjurers, with their false oaths, can cause unjust verdicts.

Another literary historical element which resonates with the discourse on the untamed tongue, is the Latin ideology of the capacity for speech as a distinctive feature in the order of beings, as indicated by Paul Wackers.[8] According to *Spiegel der sonden*, *Sottenschip* and *Boec van Sidrac,* the capacity for speech is the basis by which man distinguishes himself from the lower beasts of God's creation. The moral connotation of controlling the tongue ties in with this ideology. Man can control his tongue on the basis of intellectual and moral considerations, something animals cannot. An animal, ranked in the medieval order below humans, produces only sounds, as a result of an instinctive reflex. However, the difference between man and angel, based on the capacity for speech as expressed in the Latin tradition, has not been emphasised in the Middle Dutch corpus of this study. According to this ideology, man distinguishes himself, by way of his capacity for speech, in a positive sense from the animals

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[8] WACKERS, *De waarheid als leugen*, p. 49; ID., "Opvattingen over spreken en zwijgen in het Middelnederlands", p. 327.

but in a negative sense from the angels. Contrary to humans, angels have no need of language to exchange ideas with each other. Angels already have total knowledge.

In chapter 2, the texts from the secular-ethical domain were placed in the context of the rise of pragmatic lay ethics in the administrative context of the late fourteenth century, in which secular civil servants came to power.[9] Is the emphasis on control and monitoring, found in the discourse on the untamed tongue, typical of the lay person in the throes of lay emancipation, and in particular of the ruling parties indicated as a possible target group for the texts? The Middle Dutch texts from the ecclesiastical and secular-ethical domains reveal an attachment of great importance to the harmful potential of the tongue for the lay person rather than for the cleric. It remains unclear from which social strata the people came who actually stood trial for verbal offences: master and servant were both reprimanded for their speech behaviour, for instance. In the ecclesiastical and secular-ethical domains, a few references to young men can be found. Young people (according to *Boec van Sidrac*, young men) are said to be most likely to be tempted to blurt out a lie in their impetuousness (*rokeloes loghen*) and to slander.

The discourse of the untamed tongue cannot simply be linked to a specific group of speakers, subjects or listeners. The texts identify interested parties neither as solely belonging to the ruling class nor, on the contrary, people in subservient positions. In the treatment of subversive speech behaviour in the ecclesiastical domain, no elements have been discovered which would point to particular distributors of the discourse with a political motive, neither in the elite nor among people of a lower social or political status. So in this respect, too, there are no undisputed driving forces to be discovered – the discourse on the untamed tongue is not connected to a particular group of interested parties. Those held responsible for harmful speech behaviour are young and old, servants and masters, men and women. Dumolyn and Haemers have determined that those convicted of subversive speech behaviour in Flemish cities in the late Middle Ages came from all social strata. Examples can be found of middle class people, such as the fish merchant Thomas Haghebaert, in 1527, and skipper Willem van Cuul, in 1532, and also of clerics and people from the secular elite. For example, Renier Houtmarct, a respected man in Bruges, was convicted in 1478 of calling the mayor-to-be a 'son of a whore' in public.[10] How-

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[9] Van Oostrom, *Wereld in woorden*, p. 476.
[10] Dumolyn and Haemers, "'A bad chicken was brooding'", p. 78.

ever, there are individual speech acts in which a certain type of speaker is defined. In the case of flattery (*smekinghe* or *flatteringhe*) the speaker is of a lower social status than the person he is flattering, and he has a hidden agenda with the flattery. At first glance, it seems as though the speaker is complimenting someone and contributing to that person's 'positive face', but because that person ranks higher than the speaker, the effect can be quite the opposite – potential loss of face. A higher-ranking person does not want to be seen as someone who is susceptible to flattery. In *Des coninx summe,* 'honourable' gentlemen and 'virtuous' ladies are explicitly addressed as being jointly responsible for situations in which they are listeners to impure, scandalous words (*onreynen boefliken woerde*). Their status gives them the power to encourage these speakers, should they join in the laughter, or discourage them, should they admonish them.

The analysis shows that much attention is paid to gentlemen who have to deal with poor counsellors, agitators and flatterers. The texts from the ecclesiastical and secular-ethical domains do advise them on how they should deal with harmful speakers. They should beware of flatterers and jokers, and not encourage them in their 'idle chatter'. One example is that of a wine servant, in *Spiegel der sonden*, who tries to curry favour with the king by verbally discrediting a colleague.[11] The focus is on anyone who can identify with the king, and in doing so learn to guard against these forms of language abuse in people in a position lower than his own. The case study in the judicial domain does not tie in with that, however. It is the socially subordinate Heyn van den Eynde who calls his landlord Johan Muetsel to account for his speech behaviour. It is a landlord who is charged with making a false accusation, put in the position of the accused by his inferior, the tenant.

Another interesting result of the analysis is the focus on politically subversive speech behaviour such as rebellious talk and murmuring in *Des coninx summe*. These categories are presented as being extremely sinful, because they cause the higher-ranking person (as subject) to be deprived of the respect or appreciation that their position demands. Seen in that light, these passages about speech sins could function as instruments of control for authority figures and higher-ranking people who are not receiving enough respect. The historians Jan Dumolyn and Jelle Haemers explain that the social position of the speaker can be important in that case. For example, a master of the guild could

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[11] *Spiegel der sonden* (rhyming version), ll. 16294-16494, and *Spiegel der sonden* (prose version), col. 263, l. 32-col. 267, l. 22.

more easily express his opinion at a public gathering than a person with a lower social status.[12] Dumolyn and Haemers show that an increased political interest in subversive speech behaviour was at odds with local and ducal authority in a time of political upheaval. They state that both ecclesiastical and lay authors legitimised the oppression of subversive speech behaviour by the urban and ducal authorities, and quote from *Den Duytschen Cathoen*.[13] In the treatment of murmuring and rebellious talk in *Des coninx summe,* rebellion against authority, whether ecclesiastical or secular, forms a surprisingly small part of the discussion on 'grumbling'.

One point which emerged from the analysis ties in with political historical observations by Dumolyn and Haemers. This is the focus on the anonymous nature of dangerous speech acts. The subtle spreading of rumours, or the masked expression of dissatisfaction were regarded as a great danger by the authorities, not only in late medieval Flemish cities but also in late medieval Venice. When connected to latent political unrest, these forms of harmful speech behaviour have the ability to incite uprisings and even civil wars. A characteristic of murmuring and spreading rumours is that no-one claims responsibility for the distributed content. Political murmuring can inflame a smouldering dissatisfaction into a blazing rebellion without the authorities being able to identify the guilty party. At the core of the danger of spreading rumours and grumbling is the fact that they are impossible to control.[14] In the context of the late medieval rebellions in Flemish cities such as Ghent and Bruges, Dumolyn and Haemers point to the late medieval description of murmuring as a form of the deadly sin of wrath (*ira*).[15] This can also be seen in both *Cancellierboeck* and *Tafel vanden kersten ghelove*.

Are there gender-specific notions on harmful speech behaviour to be found in the texts from the ecclesiastical and secular-ethical domains? Women are identified as harmful speakers, in particular the 'cursing women' in the judicial domain. In cities such as Bolsward (Frisia) and Zutphen (Guelders), local legislation did gave men and women a different defamatory punishment for offences of bad or scandalous language: for men the pillory and for women the stone of shame. So women could receive a different punishment to men, but it was not necessarily more severe. Based on this analysis, this category of

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[12] DUMOLYN and HAEMERS, "'A bad chicken was brooding'", pp. 65-66.
[13] DUMOLYN and HAEMERS, "'A bad chicken was brooding'", p. 54.
[14] DUMOLYN and HAEMERS, "'A bad chicken was brooding'", p. 57.
[15] DUMOLYN and HAEMERS, "'A bad chicken was brooding'", p. 58.

women speaking criminal words is not as distinguishable as that of the 'scolds' in late medieval Great Britain, as Sandy Bardsley has argued.[16] In the secular-ethical domain, wives are referred to as being incapable of keeping a secret. In addition, women ('virtuous women') are mentioned in this domain as victims of harmful speech behaviour. They are the victims of scabrous speech behaviour by men. Analysis of the ecclesiastical and secular-ethical Middle Dutch texts shows few speech acts attributed specifically to women. The corpus of this study contains no misogynous notions found in the thirteenth-century didactic work *Miroir des bonnes femmes*, brought to the scholars' attention by Helen Solterer.[17] There is a brief mention of Eve in Dirc Potter's *Blome der doechden,* but not per se in a negative sense. The point is that Eve was not the only sinner; she was tempted to her deeds by the serpent. This comparison is used to make clear the idea that listeners who encourage the slanderer are every bit as sinful as the slanderer himself.[18] In fact, women are remarkably absent, be it in the role of speaker, listener or subject. In the ecclesiastical and secular-ethical domains, many notions on harmful speech behaviour seem to concern men.[19] Examples of cursing, flattering the king, and deceiving one's colleagues almost always concern men. *Boec van Sidrac* states that slanderers are often young men. Jan Dumolyn and Jelle Haemers also observe that within the political discourse on subversive speech behaviour in late medieval Flemish cities, women are virtually non-existent.[20] *Sottenschip* is an interesting exception to this rule. It contains a chapter dedicated to the telling of other people's important secrets to wives. According to this chapter, the wives' tongues are far too loose for such a responsibility. In addition, decent women are mentioned as victims of scabrous speech behaviour by men. *Sottenschip* also has a chapter dedicated to 'fools' (*sotten*) who desecrate the church with their chattering, but the speakers are not specifically named as women.[21] Contrary to this, in Middle

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[16] BARDSLEY, *Venomous Tongues*, and EAD., "Men's voices in late medieval England". See also E.J. BENKOV, "Language and women: From silence to speech", in: *Sign, Sentence, Discourse: Language in Medieval Thought and Literature*, ed. J.N. WASSERMAN and L. RONEY (Syracuse and New York, 1989), pp. 245-265.

[17] SOLTERER, *The Master and the Minerva*, pp. 5-6.

[18] *Blome der doechden*, thirty-fifth flower, *scalckheit* ('deceitfulness'), pp. 104-105.

[19] See for example REYNAERT, "*Alderhande proverbien vanden wisen Salomone*", p. 473, on the male target audience of *Dietsche doctrinale*.

[20] DUMOLYN and HAEMERS, "'A bad chicken was brooding'", pp. 65-69. Only adult men were seen as "legitimate agents of the political discourse", an "*émetteur legitime*" in the words of Pierre Bourdieu in the first chapter of his *Language and Symbolic Power*.

[21] *Sottenschip*, chapter 43, n1v-n2v.

English moral theological sources women are explicitly indicated as verbal disturbers of the church service. Visual media in late medieval Great Britain also tie in with this image. Sandy Bardsley has shown that the stereotyping of chattering women does not fit her findings in verdicts by local and ecclesiastical courts. She demonstrates that men in particular were charged with disturbing the church service.[22]

The sources do not reveal anything about a development which might indicate a connection between the disasters and calamities which took place from the fourteenth century onwards, such as the plague in 1348, the famine from 1315 to 1317, or the turmoil in the church administration with the Western Schism in 1378.[23] Analysis of the treatment of blasphemy, in *Des coninx summe* in particular, gives no substantive arguments to confirm the historian David Nash's statement that blasphemy was seen as a collective danger.[24] In the image presented by *Des coninx summe*, there is actually mention of God who responds immediately to a blasphemous utterances, but in this case the punishment affects only the speaker himself and not the company he keeps. At best, this example might serve to make people afraid to be in the company of a blasphemer, and to be caught up in God's vengeance on the speaker.

6.4 Reflection on Method

In order to research domain-overarching discourses, a method was used which is based on modern language theory ideas. These ideas offer instruments with which to compare the texts from the three domains with each other, in the search for general notions on harmful speech behaviour. The following points were examined: the harmful effects of speech behaviour (Austin / Searle: speech act theory); which 'rules' are broken in a speech situation (Grice: maxims of quantity and quality); exactly what those harmful effects are (Gofmann / Brown and Levinson: 'face-threatening acts', next to the grace-threatening acts coined in the present study), and which variables play a part in the nature and gravity of the harmful speech act (Hymes: place, gender, social and / or economic relation between conversation partners etc.).

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[22] BARDSLEY, "Men's voices in late medieval England", pp. 166-168.
[23] SCHWERHOFF, "'*Blasphemare, dehonestare et maledicere Deum*'", pp. 266-268.
[24] NASH, "Analyzing the history of religious crime".

This method offers new insights into the similarities in notions on harmful speech behaviour in the various domains. It has made visible that the opposition between words and deeds in the Middle Dutch corpus is problematised. The method shows that the thing which makes words sinful and improper often has less to do with the content of the words and more with the effect they cause. The method also shows that speech sins are represented as 'face-threatening acts' for the speaker. In the texts about the sins of the tongue from the ecclesiastical domain this is surprising. After all, one would expect the Church to be more concerned with the preservation of the soul, with the potentially 'grace-threatening' effect words have, than with reputations. Moreover, the method shows that there is much emphasis on contravening the maxim of quantity (volubility and idle chatter). Contrary to modern times, in those days this was seen as a moral and therefore grave and dangerous offence. Lastly, the method ensured that the role of certain variables in the speech situation in harmful speech was brought to the attention. For example, it is apparent that the social distance and difference in power between landlord and tenant in the case study was a less important variable than one might have expected.

These results are indicative, but not definitive. A number of limitations were formulated in the introduction, and observations were made about the method. These may have affected the results of the research. Comparing the various types of texts creates a complex situation for analysis. Genre conventions and dissemination are for example relevant factors. The range of conclusions is limited, because text variations in manuscripts have not been included in the analysis. Are there similar descriptions in the area of harmful speech behaviour to be found in the various manuscripts of Jan van Boendale's *Der leken spieghel,* or are there significant deviations?

6.5 Prospects

This study generates new questions in the area of late medieval notions on harmful speech behaviour. For example, is there a discourse on the untamed tongue to be found in other Middle Dutch domains, literary or otherwise? The corpus of this study did not include narrative texts, lyric or theatrical texts, yet these types of text also address harmful speech behaviour. For example, in the Arthurian romance *Ferguut* and the play *Hoe die mensch die werlt wil bevechten* ('How man wants to fight against the world'), the speech behaviour of the

characters, for instance their reactions to other people's words, are crucial to the story line. There are, moreover, a variety of Middle Dutch songs with references to 'evil tongues'.[25] However, caution is required. They often do not contain direct recommendations or refer to explicit norms on harmful speech behaviour; the norms are represented in a narrative framework. Research into other non-textual sources on harmful speech behaviour can be useful to compare with textual sources. A fascinating find, in this respect, is that of two late medieval pilgrim's badges, showing a mouth with a lock on it. The first was found in Nieuwland (nowadays in the province of South Holland in the midwestern Netherlands), and dates from between 1375 and 1425. The second was found in Amsterdam (province of North Holland), and dates from the first half of the fifteenth century.[26] To get a better picture of the prominence of harmful speech behaviour in the late medieval society, quantitative research into other harmful forms of behaviour is also desirable. For example, in the judicial domain, little is still known about the frequency of convictions for speech crimes in relation to other crimes.[27]

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[25] For more on *Ferguut*, see VELDHUIZEN, "'*Die mont sprect dat int herte leit*'", and for other genres, see EAD., *Het quaetste blat: De zonden van de tong in het Middelnederlands* (Utrecht, 2005). One example of an analysis of the notions on harmful speech behaviour in Jean de Meung's *Roman de la Rose* and Dante Alighieri's *Divina Commedia,* is BAIKA, *Lingua Indisciplinata*, and G.I. BAIKA, "Tongues of fire and fraud in Bolgia Eight", *Quaderni d'Italianistica* 32 (2011), pp. 5-26. See also C. KIENING, "Verletzende Worte – verstümmelte Körper: Zur doppelten Logik spätmittelalterlicher Kurzerzählungen", *Zeitschrift für deutsche Philologie* 127.3 (2008), pp. 321-335; N.R. MIEDEMA and F. HUNDSNURSCHER, *Formen und Funktionen von Redeszenen in der mittelhochdeutschen Großepik* (Tübingen, 2007); E. KOCH, "Formen und Bedingungen von Sprachgewalt in Katharinenlegende und -spiel", in: *Blutige Worte: Internationales und interdisziplinäres Kolloquium zum Verhältnis von Sprache und Gewalt in Mittelalter und Früher Neuzeit*, ed. J. EMING and C. JARZEBOWSKI (Göttingen, 2008), pp. 15-30; and M. SCHNYDER, "Aufgerissenes Ohr und gefesselte Zunge: Schweigen und Gewalt in der Literatur des Mittelalters"*,* in: *Gewalt in der Sprache: Rhetoriken verletzenden Sprechens*, ed. S. KRÄMER and E. KOCH (Munich, 2010), pp. 215-224. For notions on harmful speech behaviour in sixteenth-century theatre plays written by the rhetoricians (*rederlijkers*), see M. BAX and W. VUIJK, "'*Wy porren natuere tot hovaerdijen*': Taalhandelingsconventies van 'sinnekens' in het zestiende-eeuwse rederijkerstoneel", *Tijdschrift voor Nederlandse taal- en letterkunde* 106 (1990), pp. 15–39. For more on the play *Hoe die mensch die werlt wil bevechten,* see the edition *Trou moet blijcken: Source edition of the books of the Haarlemse Chambers of Rhetoric 'de* Pellicanisten', ed. W.N.M. HÜSKEN, B.A.M. RAMAKERS, and F.A.M. SCHAARS, 6 vols. (Assen 1994), 5, book E, 126r-139r. For examples of harmful speech behaviour in songs, see *Antwerps liedboek*, 1, 15 and 173, pp. 12-13, 36-37 and 390-391.

[26] J.H. WINKELMAN, "Clappaert moet men de mond snoeren!", *Madoc* 18 (2004), pp. 236-241.

[27] However, see chapter 2, paragraph 2.3.2, for a number of pitfalls in quantitative research

6.6 Finally

From the perspective offered by the late Middle Ages, and in particular based on analyses of Middle Dutch ecclesiastical, secular-ethical and judicial texts on harmful speech behaviour, this study hopes to contribute to the recognition of the pivotal constructive, but also destructive, potential of the spoken word. The late medieval discourse on the untamed tongue can shed some light on present-day notions on harmful speech behaviour. These days, 'speaking freely' equals sincerity.[28] It is a great compliment if someone 'speaks straight from the heart'. It suggests that a person is authentic and is not putting on an act. Being honest, not beating about the bush, straight from the heart: speaking freely is deemed to be a major asset that should be defended at all costs in a modern society. In the late Middle Ages, speaking freely was seen in the Low Countries and elsewhere not as an asset, but as a threat. Speaking freely, viewed from the discourse on the untamed tongue in Middle Dutch ecclesiastical, secular-ethical, and judicial texts, is a potentially grave danger, both socially and individually, against which both the community and the individual should be protected. 'Spontaneously' or 'freely' means that the tongue is not tamed, and is being given a measure of freedom which can only cause misery. As long as a person, regardless of his position, is master over his tongue, the spoken word can lead to great blessings. Mastery over the tongue ensures that the owner is capable of functioning well in society. Mastery over the tongue protects the soul and guards the innermost self. Mastery over the tongue moreover ensures peace and order in the community. However, should that control be lost, a mere momentary oversight can lead irrevocably to harmful effects.

As far as present-day discussions on the power of the untamed tongue are concerned: in order to advance beyond the 'issue of the day', this kind of debate profits from late medieval wisdom and warning.[29] According to the classicist Ineke Sluiter, this is an important reason for a researcher to work with language theory in the humanities in general:

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into crimes of speech and otherwise.

[28] VAN RENSWOUDE, *License to Speak.*

[29] See M.D. VELDHUIZEN, "De beroemersparadox: Lof in de late middeleeuwen", *Vooys: Tijdschrift voor letteren* 29 (2011) 4, pp. 16-25, on self-glorification.

Because language is a wonder, more powerful and potentially dangerous that we often remember, a means of capturing whole worlds in words, to take control, to make them, but potentially to break them too.[30]

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[30] I. SLUITER, *Maken en breken: Over taal, identiteit en minderheden* (Leiden, 2005), p. 15 (translated from the Dutch by Lizzie Kean).

Appendices

Appendix 1

Analysis Model of Harmful Speech Behaviour in Middle Dutch Texts in the Ecclesiastical, Secular-Ethical, and Judicial Domains

1   Description of the work

1.1   Text

Title
Author
Date
Localisation
Rhyme / prose
Genre
[Function]
[Public]

1.2   Medium: manuscript / print

Signature
Copyist
Printer
Date
Place

Audience
Particulars manuscript / print

1.3   *Source*

Translation / adaptation

1.4   *Edition*

2   *Harmful speech acts*

2.1   *What is a harmful speech act?*

Middle Dutch term for speech act
Accurate modern translation of speech act
Place of the textual part of the speech norm in the work
Actual situation
Desired situation (norm)

2.2   *What makes [x] a harmful speech act?*

What is the motive, criterion, motivation (spiritual welfare, social control,
judgement by others, societal harmony, by order of authority)?
What are the consequences of this harmful speech behaviour?
Are the harmful speech acts presented as face-threatening or grace-threatening
acts?
Which of Grice's maxims is being contravened?
Hidden agenda, underlying objective?

2.3   *Who is involved in the harmful speech act?*

2.3.1   *Speaker*

Specific target group (for whom is notion / advice / law et cetera on harmful
speech behaviour intended)
Social status

Gender

Description (how characterised)

2.3.2   *Recipient / addressee (of speech act)*

      Specific target group
      Social status

      Gender

      Description (how characterised)

2.3.2   *Subject (of speech act)*

      Specific target group
      Social status
      Gender

      Description (how characterised)

2.3.3   *Listener / bystander*

      Specific target group
      Participatory / non-participatory
      Social status

      Gender

      Description (how characterised)

2.4   *Where does the harmful speech act take place?*

      Location (church, market etcetera)
      Public?
      Symbolic?
      Setting, conditions
      [Relevant historical context]

2.5   *How is the harmful speech act depicted?*

      Metaphors
      Binary oppositions
      Categories
      Narrative perspective

Direct speech
Exclamations
Development
Idiomatic expressions / noteworthy Middle Dutch terms

3   *Interpretation / implication*

What is evident / not mentioned?
What is remarkable?
What is characteristic?
-     similarities to other texts / domains
-     differences between texts / domains
Are there relevant connections between the points of analysis themselves (for
example a connection between the space and the speakers)?

Appendix 2

Speech Sins in Des coninx summe, Rhyming and Prose Version of Spiegel der sonden

Speech sins in bold print do not appear as a category in the other two works.

10 speech sins in *Des coninx summe*	14 speech sins in *Spiegel der sonden* (rhyming version)	14 speech sins in *Spiegel der sonden (prose version)*
1 *ydel woerde* ('idle speech') blathering, gossiping / chatting, using scabrous language, mocking, Nos. 136-139	1 *blasphemie* blasphemy, ll. 14963-15144	1 *blasphemie* blasphemy, col. 249, l. 17-col. 251, l. 7[1]
2 *beroeminghe* bragging, Nos. 140-143	2 *mormeriren* grumbling, ll. 15145-15455	2 *versweren* or *sweren* cursing or uttering improper oaths consciously while lying (*sweren*) and committing perjury, in an official judicial context (*versweren*), col. 251, l. 8-col. 253, l. 21
3 *smekinghe* flattering, Nos. 144-146	**3 ontschuldigen die zonden voor Gode** justifying sins before God, ll. 15455-15592	3 *mormeriren* grumbling, col. 253, l. 22-col. 258, l. 12

[1]   *Spiegel der sonden* (rhyming and prose) puts blasphemy in the first place, while *Des coninx summe* puts it last. In *Des coninx summe*, this last place is presented as a point of culmination, in order to emphasise that blasphemy is the gravest of speech sins.

4 ***achtersprake*** slander, Nos. 147-149[2]	4 *versweren* and *sweren* uttering improper oaths and inappropriate cursing, ll. 15593-15752	4 *logen* lying, col. 258, l. 13-col. 259, l. 19
5 *logenthale* lying, Nos. 150-151	5 *lieghen* (*loghene*), *orcontschap valsch draghen* lying (lies) and bearing false testimony, ll. 15753-15870	5 *vûuyliken of quelc te spreken yemant* swearing and raging, col. 259, l. 20-col. 160, l. 20
6 *sweren* and *versweringhe* swearing an oath, and committing perjury, Nos. 152-156	6 ***verradenisse*** commit treachery, make secrets public, trivialise serious matters (*versmaden* or *cleyne maken*), or turn them bad (*goet in quaet bekeren*), ll. 15871-15924	6 *kijven* or *twisten* argue, col. 260, l. 21-col. 261, l. 24
7 *scelden* verbally attack someone, swear, threaten, argue, curse, agitate, Nos. 157-159	7 *smeken* flatter, ll. 15925-15990	7 *bespotten* to disgrace someone in public, col. 261, l. 25-col. 262, l. 13
8 *murmureren* grumble to God and man, Nos. 160-164	8 *vloken, schoffieringhe, striden* curse, swear, rage, argue, ll. 15991-16194	8 *quaden raet geven* give bad advice, col. 262, l. 14-col. 263, l. 12
9 *wederspannicheit* rebelliousness, speaking recalcitrantly to God and man, Nos. 165-168	9 *schempen* mocking, making jokes, ll. 16195-16220	9 *twidracht te maken onder den minschen* to sow discord, use inflammatory speech, col. 263, l. 13-31

[2] *Achtersprake* is not a separate category in *Spiegel der sonden* (rhyming and prose), but is close to committing treachery and sowing discord.

10 *blasphemie* curse, speak blasphemously, Nos. 169-170	10 *quaet raed gheven* give bad (sinful) advice, ll. 16221-16264	10 *twe tongen te hebbene* 'speaking with two tongues'(flattery and lying / gossip), col. 263, l. 13-col. 267, l. 22[3]
	11 *twidracht zeyen onder menschen / dubbele tonghe dragen in den mond* sewing discord, agitating, using inflammatory speech, ll. 16265-16532	11 *beroeminghe* bragging, col. 267, l. 23-col. 268, l. 16
	12 *roem* boasting, ll. 16533-16562 [incomplete]	12 ***voel te spreken*** idle / useless chatter, uncontrolled speech, col. 268, ll. 17-39[4]
	13 *lachen* laughing, ll. 16564-16629 [incomplete]	13 *lachen* laughing, col. 269, ll. 1-26
	14 *swighen* remain silent (hold one's tongue), ll. 16605-16830	14 *swigen* remain silent (hold one's tongue), col. 269, l. 27-col. 272, l. 29

[3] In the rhyming version of *Spiegel der sonden*, these two speech sins are grouped together. The text gives no explanation as to whether or not *twidracht te maken* and *twe tongen te hebbene* are connected in any way. I have chosen to divide the speech sins into categories, because there would otherwise have been thirteen, instead of the fourteen announced in the Middle Dutch text.

[4] Does not appear in the rhyming version of *Spiegel der sonden.*

Appendix 3

Woodcuts from the *Sottenschip*

Sottenschip, Chapter 40, m3r. Whenever someone with a good reputation is slandered, slanderous words will have as little effect as a clock, struck with a fox's tail for a pendulum.

Sottenschip, Chapter 48, o2v-o3r. Delilah cuts the hair of Samson (Judges 16). Telling secrets to a woman will have terrible consequences.

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Dirc van Delf, *Tafel vanden kersten ghelove, Winterstuc* (*c.* 1404)
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[1] The first date mentioned is the date of the 'original' text (taking into account the objections to the idea of 'origin' in the case of handed down texts – see Introduction) and the second date mentioned (after 'Source') is the date of the text medium.
[2] There is no consensus on the date of *Cancellierboeck*. I base my dating on KWAKKEL, *Die Dietsche boeke die ons toebehoeren*, pp. 32-33.

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Source: MS Oxford, Bodleian Library, Marshall 28 (end of the fifteenth century).
Edition: *Het* Boek van Sidrac *in de Nederlanden: Met tekstuitgave naar Ms. Marshall 28 der Bodleyan Library te Oxford*, ed. J.F.J. VAN TOL (Amsterdam, 1936).

Den Duytschen Cathoen (1500, adaptation of *Disticha Catonis*, third century)
Source: The Hague, Koninklijke Bibliotheek, 229 G 16 (Delft, Henrick Eckert van Homberch, *c.* 1500).
Edition: *Den Duytschen Cathoen: Naar de Antwerpse druk van Henrick Eckert van Homberch*, ed. A.M.J. VAN BUUREN, in collaboration with O.S.H. LIE and A.P. ORBÁN (Hilversum, 1998).

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[3] MEDER, "Gepast gedrag", p. 87.

Dirc Potter, *Blome der doechden* (after 1415)

Source: MS Sint-Truiden, Instituut voor Franciscaanse Geschiedenis, IFG A22, ff. 1-135 (*c.* 1480).

Edition: *Dat Bouck der Bloemen: Handschrift der XVᵉ eeuw*, ed. S. SCHOUTENS (Hoogstraten 1904).

Dirc Potter, *Mellibeus* (after 1415)

Source: MS Sint-Truiden, Instituut voor Franciscaanse Geschiedenis, IFG A22, ff. 140-174 (*c.* 1480).

Edition: *Mellibeus: Een geschrift van Dirc Potter,* ed. B.G.L. OVERMAAT (Arnhem, 1950).

Gentse Boethius (1485, adaptation of and commentary on *De consolatione philosophiae*, c. 524)

Source: The Hague, Koninklijke Bibliotheek, 171 A 2 (Ghent, Arend de Keysere, 1485).[4]

Edition: *Boethius in het Nederlands: Studie naar en tekstuitgave van de* Gentse Boethius (*1485*)*, boek II*, ed. M. GORIS (Hilversum, 2000: *Middeleeuwse Studies en Bronnen* 72).

Jan van Boendale *Der leken spieghel* (between 1325-1330)

Source: MS Brussels, Koninklijke Bibliotheek, 15658 (1340-1360).

Edition: *Jan van Boendale, Der leken spieghel: Leerdicht van den jare 1330*, ed. MATTHIAS DE VRIES, 3 vols. (Leiden, 1844-1848), http://www.dbnl.org/tekst/boen001derl01_01/index.php [09/05/2016].

Jan van Boendale, *Dietsche doctrinale* (1345)

Source: MS The Hague, Koninklijke Bibliotheek, 76 E 5, f. 1r-46v (*c.* 1374).

Edition: *Dietsche doctrinale*, ed. W. KUIPER, in: *CD-rom Middelnederlands: Woordenboek en teksten*, ed. Instituut voor Nederlandse Lexicologie (The Hague and Antwerp, 1998), http://www.dbnl.org/tekst/_die002kuip01_01/index.php [09/05/2016].

Jan van Boendale, *Melibeus* (1342)

Source: MS Oxford, Bodleian Library, Marshall 29, f. 1ra-22rb (1390-1410).

Edition: *Nederlandsche gedichten uit de veertiende eeuw van Jan van Boendale, Hein van Aken en anderen*: *Naar het Oxfordsche handschrift uitgegeven*, ed. F.A. SNELLAERT (Brussels, 1869), pp. 1-136, http://www.dbnl.org/tekst/snel003nede01_01/index.php [29/05/2016].

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[4]   Due to illegibility of MS The Hague, Koninklijke Bibliotheek, 171 A 2, the print was compared with MS The Hague, Koninklijke Bibliotheek, 1084 A 3; see GORIS, "Inleiding", p. 159.

Sebastian Brant, *Sottenschip* (1500, adaptation of *Narrenschiff* from 1494)

Source: Rotterdam, Bibliotheek Rotterdam, 48 H 2 (Antwerp, Marie Anxt, 1548).

Edition: none; facsimile: *Sebastian Brant, Der Sotten schip*, ed. L. GEERAEDTS (Middelburg, 1981).

3. Texts from the Judicial Domain[5]

Antwerp (mid-fourteenth century-1419)

Source: Antwerp, Stadsarchief Antwerpen, Privilegekamer, archieven van de stadsmagistraat, de hertogelijke instellingen, de Brede Raad, de vreemde natiën en de boden 1249-1840, 100/2520 (compiled in the middle of the fourteenth century and amended in 1383, 1391, 1394 and 1419).

Edition: *Dit sijn de coren van der stad Antwerpen* (Ghent, 1852: *Maetschappy der Vlaemsche Bibliophilen*, 2nd series, 2),
http://www.dbnl. org/tekst/_cor002core01_01/index.php [09/05/2016].

Bolsward (1455)

Source: Bolsward, Gemeentearchief Bolsward, oud-archief, 590 (copy from 1570).

Edition: *De Friesche Stadrechten*, ed. A. TELTING (The Hague, 1883: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht,* 1st series 5). See also *Het recht van een vrije Friese stad: De stadboeken van Bolsward (1455-1479)*, ed. V. ROBIJN (Hilversum, 2005).

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[5]   This is a list of the sources used which I acquired through secondary works. See the list of secondary sources for this: (in alphabetical order) BERENTS, *Misdaad in de middeleeuwen* and 1985; CANNAERT, *Bydragen tot de kennis van het oude strafrecht in Vlaanderen, verrykt met vele tot dusverre onuitgegevene stukken*; VAN CANEGEM *Geschiedenis van het straftrecht in Vlaanderen*; FREDERIKS, *Het Oud-Nederlandsch strafrecht*; VAN EIJNATTEN and VAN LIEBURG, *Nederlandse religiegeschiedenis*; GLAUDEMANS, *Om die wrake wille*; J. VAN HERWAARDEN, *Opgelegde bedevaarten*: *Een studie over de praktijk van opleggen van bedevaarten (met name in de stedelijke rechtspraak) in de Nederlanden gedurende de late middeleeuwen (ca. 1300-1550)* (Assen and Amsterdam, 1978); P.C. MOLHUIJSEN, "Aantekeningen uit de geschiedenis van het strafregt", *Bijdragen voor vaderlandsche geschiedenis en oudheidkunde*, 2nd series 2 (1861), pp. 51-88, MOLHUYSEN, "Vervolg van aantekeningen uit de geschiedenis van het strafregt", pp. 195-239; VANHEMELRYCK, *De criminaliteit in de ammanie van Brussel van de late middeleeuwen tot het einde van het ancien régime (1404-1789)*; and DE WIN, *De schandstraffen in het wereldlijk strafrecht in de Zuidelijke Nederlanden van de middeleeuwen tot de Franse tijd bestudeerd in Europees perspectief.*

Breda (1373)

Source: Den Bosch, Brabants Historisch Informatie Centrum, Archive of the bestuur der stad Breda, 1, 1280-1810 (compiled at the end of the fourteenth century and maintained until the beginning of the sixteenth century).

Edition: *Oude rechtsbronnen der stad Breda*, ed. W. BEZEMER (The Hague, 1892: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht,* 1st series 14).

Elburg (*c.* 1390 and *c.* 1467)

Source: Elburg, Streekarchivariaat Noordwest-Veluwe, 1001 Stadsbestuur Elburg (copies date from 1320-1813; exact dates are unknown).

Edition: *Geschiedenis en rechtsontwikkeling van Elburg*, ed. P.A.N.S. VAN MEURS (Arnhem, 1885).

Elburg, *Liber sententiarum* (1551-1587)

Source: Elburg, Streekarchivariaat Noordwest-Veluwe, 1001 Stadsbestuur Elburg (copies date from 1320-1813; exact dates are unknown).

Edition: *Geschiedenis en rechtsontwikkeling van Elburg*, ed. P.A.N.S. VAN MEURS (Arnhem, 1885). See also the transcription of *Liber sententiarum* by E. KRANENBURG-VAN DER BEEK (S.l., 2000),
http://ia701202.us.archive.org/29/items/geschiedenisenre00meur/geschiedenisenre00meu.pdf [09/05/2016].

Goor (end fourteenth century), collection of customary laws A and B (date unknown)

Source: Goor, Gemeentearchief Goor [transferred to: Delden, Historisch Hof van Twente, Twents Streekarchief] .

Edition: *Stadregt van Goor*, ed. Vereeniging tot Beoefening van Overijsselsch Regt en Geschiedenis] (Zwolle, 1883: *Overijsselsche stad-, dijk- en markeregten* 1.3).

Groningen (*c.* 1330, renewed in 1400 and 1425)

Source: Groningen, Groninger Archieven, Archief van het stadsbestuur van Groningen, 1246-1594, 26.1 (*c.* 1467).

Edition: *Stadboek van Groningen*, ed. A. TELTING (The Hague, 1886: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 1st series 9).

Harderwijk (second half fifteenth century)

Source: Harderwijk, Streekarchivariaat Noordwest-Veluwe (second half fifteenth century).

Edition: *Rechtsbronnen der stad Harderwijk*, ed. J.L. BERNS (The Hague, 1886: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 1st series 8).

Hasselt, NL (fifteenth century)
Source: Zwolle, Historisch Centrum Overijssel, Stadsbestuur Hasselt, 1365.1 (1425-1811; exact date of copy unknown).
Edition: *Stadregt van Hasselt*, ed. Vereeniging tot Beoefening van Overijsselsch Regt en Geschiedenis (Zwolle, 1883: *Overijsselsche stad-, dijk- en markeregten* 1.4).

Kampen, *Dat gulden boeck* (1329-1450)
Source: Kampen, Gemeentearchief Kampen, 324 Collectie Handschriften, 1373-1956, 16 (mid-fifteenth century, with additions from the sixteenth and seventeenth centuries).
Edition: *Boeck van rechten der stad Kampen*: *Dat gulden boeck*, ed. Vereeniging tot Beoefening van Overijsselsch Regt en Geschiedenis (Zwolle, 1875: *Overijsselsche stad-, dijk- en markeregten* 1.1).

Leiden, collection of customary laws (keurboek) 3 (pre-1370)
Source: Amsterdam, Nederlandsch Economisch-Historisch Archief, Bijzondere Collecties, 306 (1397, reintroductions 1406, 1450, 1508, 1545).
Edition: *Middeleeuwsche keurboeken van de stad Leiden*, ed. H.G. HAMAKER (Leiden, 1873).

Roermond, *Nye boeck* (1459-1487)
Source: Maastricht, Regionaal Historisch Centrum Limburg, 482 (date of copy unknown).
Edition: *Geldersche wijssenissen van het Hoofdgerecht te Roermond*, ed. K.J.TH. JANSSEN DE LIMPENS (Utrecht, 1953: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 3rd series 16),
         http://www.dbnl.org/arch/_gel001geld01_01/pag/_gel001geld01_01.pdf [09/05/2016].

Saksenspiegel (date unknown; adaptation of German *Sachsenspiegel* from 1220-1227)
Source: MS The Hague, Koninklijke Bibliotheek (library) 75 G 45 (beginning of the fifteenth century).
Edition: *De Saksenspiegel in Nederland*, ed. B.J.L. DE GEER VAN JUTPHAAS, 2 vols. (The Hague, 1888: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 1st series 10).

Sneek (1456)

Source: Sneek, Archief Gemeente Súdwest Fryslân, Oud Archief Sneek, 56 (seventeenth century).

Edition: "Stadboeck van Sneek", in: *De Friesche stadrechten*, ed. A. TELTING (The Hague, 1883: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 1st series 5), pp. 45-140.

Utrecht, *Liber albus* (1340)

Source: Utrecht, Utrechts Archief, Stadsarchief Utrecht, Raad 1122-1577, 7 (1341).

Edition: *De middeleeuwsche rechtsbronnen der stad Utrecht*, ed. S. MULLER Fz, 2 vols. (The Hague, 1883-1885: Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht, 1st series 3).

Vianen (1336 and 1408)

Source: MS Leiden, Universiteitsbibliotheek, Ltk 818 (1490).

Edition: "Rechten van Vianen', ed. B.J.L. DE GEER VAN JUTFAAS, in: *Verslagen en mededeelingen der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht* 2.1 (1886), pp. 120-168.

Vollenhove, collection of customary laws (*keurboek*) A and court orders (from 1318)

Source: Steenwijkerland, Archief Gemeente Steenwijkerland, 25, Stad Vollenhove (from 1354 to 1811, exact date manuscript unknown).

Edition: *De stad Vollenhove en haar recht: Eene bijdrage tot de Overijsselse rechtsgeschiedenis*, ed. S.J FOCKEMA ANDREAE (Zwolle, 1885: *Overijsselsche stad-, dijk- en markeregten* 1.5 and 1.6).

Wittem (1550)

Source: Maastricht, Regionaal Historisch Centrum Limburg, Archief Rijksheerlijkheid Wittem, 307 (1725).

Edition: *Limburgse wijsdommen*, ed. J. HABETS (The Hague, 1891: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 1st series 12).

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Source: Zutphen, Regionaal Archief Zutphen, Collectie Oude Werken, 83 (date of copy unknown).

Edition: *Rechtsbronnen der stad Zutphen van het begin der 14[de] eeuw tot de tweede helft der 16[de] eeuw*, ed. C. PIJNACKER HORDIJK (The Hague, 1881: *Werken der Vereeniging tot uitgaaf der bronnen van het Oude Vaderlandsche Recht*, 1st series 2).

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